



# **BELLVILLE INDEPENDENT SCHOOL DISTRICT**

## **STUDENT CODE OF CONDUCT ~~2019-2020~~2020-2021**

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**BELLVILLE INDEPENDENT SCHOOL DISTRICT**  
**~~2019-2020~~2020-2021 STUDENT CODE OF CONDUCT**

**ACCEPTABLE USE POLICY**

1. Users shall not erase, rename, or make unusable anyone else's computer files.
2. Users shall not let other persons use their name, logon, password, or files for any reason.
3. Users shall not use or try to discover another user's password.
4. Users shall not use Bellville ISD's computers or networks for any non-instructional or non-administrative purpose (e.g., games or activities for personal profit).
5. Users shall not use a computer for unlawful purposes, such as the illegal copying or installation of software.
6. Users shall not copy, change, or transfer any software or documentation provided by Bellville ISD, teachers, or another student without permission from the campus principal.
7. Users shall not write, produce, generate, copy, propagate, or attempt to introduce any computer code designed to self-replicate, damage, or otherwise hinder the performance of any computer's memory, file system, or software. Such software is known as, among other names, a bug, virus, worm, or Trojan Horse.
8. Users shall not deliberately use the computer, the Internet, or other electronic communications to threaten, annoy, impersonate or harass students, employees, or volunteers with language or images. Users shall not deliberately access or create any obscene or objectionable information, language, or images. This conduct is punishable if it occurs off school property if the conduct causes a substantial disruption to the educational environment.
9. Users shall not intentionally damage the system, damage information belonging to others, misuse system resources, or allow others to misuse system resources.
10. Users shall not tamper with computers, networks, printers, or other associated equipment except as directed by the teacher or administrator.
11. Users shall not take home technology equipment (hardware or software) without written permission of the teacher and evidence of appropriate insurance.
12. Users shall not violate the school district's Internet use policy.
13. Users shall not attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
14. Users shall not attempt to alter, destroy, or disable district technology resources including but not limited to computers and related equipment, district data, the data of others, or other networks connected to the District's system, including off school property if the conduct causes a substantial disruption to the educational environment.
15. Users shall not send, post, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including cyberbullying and "sexting," on school property or at a school-related activity; on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; or, off school property it (1) interferes with a student's educational opportunities; or (B) substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

16. Users shall not use e-mail, websites, or other electronic applications to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment.
17. Electronic communications (e-mail, blogs, wikis, and other communications within these tools) using District-owned computers or devices during the instructional day are not private and may be monitored by District staff.

## **ACCESSIBILITY**

If you have difficulty accessing the information in this document because of disability, please contact Dr. Megan Pape, Director of Special Education/504, at (979) 865-3133 or via email at [mpape@bellvillebrahmas.org](mailto:mpape@bellvillebrahmas.org).

## **ATTENDANCE**

Every child who resides in this District who is as much as six years of age, or who is less than six years of age and has previously been enrolled in first grade, and who has not reached the age of eighteen (18), shall be required to attend a public school in the District.

Regular attendance and punctuality are required of every student. Acceptable excuses for absences and tardies include personal illness, sickness or death in the immediate family, quarantine, weather or road conditions making travel dangerous, required legal business approved in advance by the principal, religious holy days (if, before the absence, the parent, guardian, or person having custody or lawful control of the student submits a written request for the excused absence), a temporary absence resulting from health care professionals if the student commences classes or returns to school on the day of the appointment, or any unusual cause acceptable to the principal or the superintendent. No student is permitted to leave the school campus during school hours without an excuse, in writing or by telephone, from the parent or guardian. These excuses must be approved by the principal or person designated by the principal or District. Once a student arrives on campus before regular school hours, he/she is expected to remain on campus unless permission to leave has been granted by an administrator.

### **A. Attendance For Credit**

Board policy and State law provide that no student shall be given credit for a class or promoted to the next grade if he has not been in attendance at least 90% of the days the class is offered. A student and the student's parent or guardian shall be given written notice prior to and at such time when a student's attendance in any class drops below 90% of the days the class is offered. A student who has an "excused" absence is not in violation of the compulsory attendance law but can still be denied credit for a class if those excused absences comprise more than 10% of the days instruction is offered. Written documentation of a student's absence must be submitted by a parent/guardian within five days after the date of the absence for the absence to be considered to be excused. When a student's attendance drops below 90% of the days the class is offered, the student, parent, or representative may request award credit by submitting a written petition to the appropriate attendance committee. The attendance committee shall review the student's entire attendance record and the reasons for absences, and shall determine whether to award credit. Petitions may be filled at any time the student receives notice, but in any event, no

later than 30 calendar days after the last day of classes. An attendance committee appointed by the Board may give credit if there were extenuating circumstances for the absences.

“Extenuating circumstances” are the following:

1. Board-approved extracurricular activity or public performance subject to limitations in FDD (LEGAL).
2. Required screening, diagnosis, and treatment for Medicaid-eligible students.
3. Documented health care appointment, if the student begins classes or returns to school on the same day as the appointment.
4. Temporary absence resulting from any cause acceptable to the teacher, principal, or Superintendent.
5. Juvenile court proceeding documented by a probation officer.
6. Absence required by state or local welfare authorities.
7. Family emergency or unforeseen or unavoidable instance requiring immediate attention.
8. Approved college visitation.

Absences for which the student has shown extenuating circumstances and completed routine make-up work shall be considered days of attendance for computing the required percentage of days of attendance.

A student may miss a class in a course only thirteen times in a year for participation in extracurricular activities; absences for participation for more than ten days could result in loss of credit.

## CAMPUS BEHAVIOR COORDINATOR

As required by law, a person at each campus must be designated to serve as the campus behavior coordinator. The campus behavior coordinator on each of the campuses shall be the Principal or the Assistant Principal. The campus behavior coordinators is primarily responsible for maintaining student discipline. Contact information for campus behavior coordinators primarily responsible for student discipline is available in the Student Handbook at [http://www.bellvilleisd.org/parent\\_student/for\\_parents](http://www.bellvilleisd.org/parent_student/for_parents) and below:

### **O'Bryant Primary: 979-865-5907**

Principal ~~Kandis Krueger, [kkrueger@bellvillebrahmas.org](mailto:kkrueger@bellvillebrahmas.org)~~ ~~Natalie Jones, [njones@bellvillebrahmas.org](mailto:njones@bellvillebrahmas.org)~~

Assistant Principal ~~Kandis Krueger, [kkrueger@bellvillebrahmas.org](mailto:kkrueger@bellvillebrahmas.org)~~ ~~Aaron Capps, [acapps@bellvillebrahmas.org](mailto:acapps@bellvillebrahmas.org)~~

### **West End Elementary: 979-357-2595**

Principal Dr. Tony Hancock, [thancock@bellvillebrahmas.org](mailto:thancock@bellvillebrahmas.org)

### **O'Bryant Intermediate: 979-865-3671**

Principal ~~Natalie Jones, [njones@bellvillebrahmas.org](mailto:njones@bellvillebrahmas.org)~~ ~~Marcus McLemore, [mmclemore@bellvillebrahmas.org](mailto:mmclemore@bellvillebrahmas.org)~~

Assistant Principal Sean McEnerney, [smcenerney@bellvillebrahmas.org](mailto:smcenerney@bellvillebrahmas.org)



**Bellville Junior High: 979-865-5966**

Principal Daniel Symm, [dsymm@bellvillebrahmas.org](mailto:dsymm@bellvillebrahmas.org)

Assistant Principal ~~Marcus McElmore, [mmclemore@bellvillebrahmas.org](mailto:mmclemore@bellvillebrahmas.org)~~ Emily Barrera, [ebarrera@bellvillebrahmas.org](mailto:ebarrera@bellvillebrahmas.org)

Field Code Changed

**Bellville High School: 979-865-3681**

Principal Casey Hollomon, [chollomon@bellvillebrahmas.org](mailto:chollomon@bellvillebrahmas.org)

Assistant Principal James Dristas, [jdristas@bellvillebrahmas.org](mailto:jdristas@bellvillebrahmas.org)

Assistant Principal Amy Avant, [aavant@bellvillebrahmas.org](mailto:aavant@bellvillebrahmas.org)

**CELLULAR TELEPHONES/PORTABLE ELECTRONIC OR TELECOMMUNICATION DEVICES**

Policy FNCY (LEGAL) and (LOCAL)

**Telecommunication devices** are those that emit an audible signal, vibrate, display a message, or otherwise summon or deliver a communication to the possessor. [Telecommunication devices are defined as items such as, but not limited to, cell phones, smart phones, iPhones, Blackberries, electronic readers, and laptops with the capability of sending and receiving messages or information, and any related accessories (including but not limited to wires, headphones, and ear clips)].

Except as provided below under “BYOD Policy,” a student shall not possess a telecommunication device on school property or while attending a school sponsored or school related activity on or off school property, unless the student is in attendance as an active member of a volunteer firefighting organization or a volunteer emergency medical services organization. A school district employee shall confiscate the paging device.

The district will contact the student’s parents and the company whose name and address or telephone number appears on the device with intent to dispose of the device within two weeks after the conclusion of the regular school year. In order for the device to be released to the owner, a \$15.00 administrative fee will be assessed before it will be returned.

**A. BYOD POLICY**

Bellville Independent School District is committed to assisting students and staff in creating a 21st century learning environment. The District has a BYOD (Bring Your Own Device) policy at Bellville High School which will assist our district in reaching this goal. We will now be incorporating the use of such items as laptops, iPads, tablets, netbooks and cell phones with browsing capabilities for educational purposes only. For purposes of BYOD, “Device” means a privately owned wireless and/or portable electronic hand held equipment that includes, but is not limited to, existing and emerging mobile communication systems and smart technologies, portable internet devices, Personal Digital Assistants (PDAs), iPads, tablets, smart phones, hand held entertainment systems or portable information technology systems that can be used for word processing, wireless Internet access, image capture/recording, sound recording and information transmitting/receiving/storing, etc. Students will follow the BYOD Student Guidelines.

Students may bring their own technology devices and utilize personal electronic communication devices at school in the classroom when the teacher deems them appropriate for educational purposes. **Under no circumstances should telecommunication devices be used to take photos/videos/audio in any school facility other than for instructional purposes under the direction of a teacher or at an event open to the public.** All devices must remain off and put away unless being used within a lesson during class time. The same procedures and school rules apply to using students' cell phone and other electronic devices during class. If students are participating in the BYOD program, the students' teacher will monitor and give permission for them to use their device at certain times in class. The students are only permitted to use their mobile device for programs, websites, and tools specified by their teacher.

If the students' teacher finds them using their mobile device for off-task ~~activities~~activities, then they may lose their privilege to use their mobile device at their teacher's discretion. Students and parents/guardians participating in BYOD must adhere to the Student Code of Conduct, as well as all Board policies, particularly the Internet Acceptable Use and Internet Safety Policies.

If an administrator suspects that a device may contain photos/ videos/audio taken at school or inappropriate photos/videos/ audio, the photos/videos/audio will be reviewed in the presence of the student or parent/guardian prior to the device being returned to the student. Students will be required to delete school-related photos/videos/audio that were taken in violation of these guidelines. Additionally, police will be contacted if an administrator has reason to believe that a photo/videos/audio might be a violation of law. Likewise, if an administrator suspects that a telecommunication device was used in violation of these guidelines and/or for cheating, the administrator may review the call history and/or text messages in the presence of the student or parent/guardian prior to the device being returned to the student. Violation of this policy may also result in the device being confiscated. A \$15.00 administrative fee will be assessed each time the phone is confiscated. Parent must pick up phone from a campus administrator. **Continued violation of this policy may result in disciplinary action, as deemed appropriate by the campus administrator.**

Responsibility to keep the device secure rests with the individual owner. **The School System, or its staff or employees, is not liable for any device stolen or damaged on campus.** If a device is stolen or damaged, it will be handled through the administrative office similar to other personal artifacts that are impacted in similar situations.

## CONFERENCES

A principal or administrative designee shall promptly conduct one or more conferences with a student's parent(s)/guardian(s) when:

1. After appropriate documentation, the teacher officially and formally removes a student from the classroom.
2. The student is assigned to a disciplinary alternative education program.

These conferences will generally be conducted in person, but where impractical, may be conducted by telephone. If these methods fail, the conference may be by letter. The district shall document its attempts to schedule and conduct required parental conferences.

Teachers or other school employees (principal, assistant principal, vice-principal, or counselor) may request a conference with a student's parent(s) whenever the teacher or employee (principal, assistant principal, vice-principal, or counselor) perceives the need for parental cooperation in enforcing the student code of conduct.

Parents/guardians may request a conference with the student's teachers, counselor, or administrator when there is a concern about the student's educational progress. These conferences should be scheduled in advance.

### **CORPORAL PUNISHMENT**

Corporal punishment is permitted in order to preserve an effective educational environment, free from disruption, unless the student's parent or guardian has provided a signed statement prohibiting its use. Corporal punishment shall be reasonable and moderate and may not be administered maliciously or for the purpose of revenge. Such factors as the size, age, and physical, mental, and emotional condition of the student; the type of instrument to be used; the amount of force to be used; and the part of the body to be struck shall be considered before administering any corporal punishment.

A disciplinary record shall be maintained and shall contain the name of the student, the type of misconduct, any previous disciplinary actions, the type of corporal punishment administered, the names of witnesses present and the date and time of the punishment. Disciplinary records shall be made available to parents or the student, whichever is appropriate.

Corporal punishment should be used sparingly, cautiously, and with the best interest of the student in mind. However, when corporal punishment is to be administered, the following procedures are to be followed: corporal punishment can only be done with the approval of the Superintendent, corporal punishment will be administered by the school principal, assistant principal, or other professional designated by the principal in the presence of one other District professional employee and in a designated place out of view of other students.

When administered, respect for the student is foremost, and punishment will be done in a private place. The student must be made aware of why he/she is to receive corporal punishment and should have the opportunity to say if there is any family or medical reason why he/she should not receive said punishment.

The principal is responsible for determining that the adult, who is administering the corporal punishment, whether it is himself/herself or another adult, is doing so in a respectful manner and without any emotional involvement.

### **DISCIPLINARY ACTIONS REGARDING STUDENTS WITH DISABILITIES**

The discipline of students with disabilities is subject to state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, the district shall comply with federal

law. For more information regarding discipline of students with disabilities, see policy FOF(LEGAL).

In accordance with the Education Code, a student who receives special education services may not be disciplined for conduct meeting the definition of bullying, harassment, or making hit lists (see glossary) until an ARD committee meeting has been held to review the conduct. The Discipline Management Plan and the Student Code of Conduct apply to all students, including a student with disabilities.

In deciding whether to order suspension, DAEP placement or expulsion, regardless of whether the action is mandatory or discretionary, the district shall take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

### **DISCIPLINARY ALTERNATIVE EDUCATION PROGRAMS**

The district shall make reasonable efforts to provide for the continuing education of a student removed to an alternative education program. A student placed in an alternative education program is prohibited from attending or participating in building sponsored or school-related activities.

#### **A. Nature of a Disciplinary Alternative Education Program**

1. Is provided in a setting other than a student's regular classroom;
2. Is located on or off a regular school campus;
3. Provides for the students who are assigned to the disciplinary alternative education program to be separated from students who are not assigned to the program;
4. Focuses on English language arts, mathematics, science, history, and self discipline;
5. Provides for students' educational and behavioral needs;
6. Provides for supervision and counseling;
7. Provides a student removed to a disciplinary alternative education program an opportunity to complete a foundation curriculum course in which the student was enrolled at the time of removal and which is required for graduation before the beginning of the next school year. The school district may provide the student an opportunity to complete coursework through any method available, including a correspondence course, distance learning, or summer school. The district may not charge the student for a course provided under this subsection.
8. May provide for a student's transfer to
  - a) a different campus;
  - b) a school community guidance center; or
  - c) a community based alternative school;
9. May provide a disciplinary alternative education program jointly with one or more districts.
10. Is not required to provide a course necessary to fulfill a student's high school graduation requirement. However, the parent or guardian of a student placed in DAEP shall be given written notice of the student's opportunity to complete foundation curriculum course required for graduation, at no cost to the student. The notice shall include information regarding all available methods for completing the coursework.

11. A student younger than six (6) years of age may not be removed from class and placed in the Alternative Learning Center.
12. An elementary school student may not be placed in the Alternative Learning Center with any other student who is not an elementary school student.

**B. Types of Alternative Education Programs**

1. Detention halls (before or after school, or at lunch)
2. In-building suspension
3. ~~Saturday detention~~ Saturday detention
4. Alternative Learning Center

**C. Disciplinary Alternative Education Program (DAEP) Requirements**

1. Conference

- a) A conference shall be held not later than the third class day after the day on which a student is removed from class by the teacher [TEC § 37.002(b)] or by the campus behavior coordinator or other appropriate administrator [TEC § 37.006], the student's parent or guardian, the teacher removing the student (if any), and the student.
- b) The student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal to the DAEP, and an opportunity to respond to the reasons for the removal.
- c) Following the conference, and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the campus behavior coordinator or other appropriate administrator shall order the placement of the student as provided in § 37.002 or § 37.006 of the Texas Education Code, as applicable, for a period consistent with this Student Code of Conduct.
- d) The decision of the Board's designee is final and may not be appealed
- e) Before a Board's designee places a student in a disciplinary alternative education program for a period that extends beyond the end of the school year, the Board's designee must determine that:
  - i. the student's presence in the regular classroom program or at the student's regular campus presents a danger of physical harm to the student or to another individual; or
  - ii. the student has engaged in serious or persistent misbehavior that violates the district's Student Code of Conduct.
- f) A student placed in a disciplinary alternative education program in another district that enrolls in Bellville ISD before the expiration of the period of placement will continue disciplinary alternative education program placement until the term of placement expires. Bellville ISD may also place a student in a disciplinary alternative education program if
  - i. the student was placed in a disciplinary alternative education program by an open-enrollment charter school under section 12.131 and the charter school provides to the district a copy of the placement order; or
  - ii. the student was placed in a disciplinary alternative education program by a school district in another state and

- (1) the out-of-state district provides to the district a copy of the placement order; and
  - (2) the grounds for the placement by the out-of-state district are grounds for placement in Bellville ISD.
- g) If a student was placed in a disciplinary alternative education program by a school district in another state for a period that exceeds one year and if that placement is continued, Bellville ISD shall reduce the period of the placement so that the aggregate period does not exceed one year unless, after a review, the district determines that the student is a threat to the safety of other students or to district employees.
- h) A student placed in an alternative education program shall be provided a review of the student's status including a review of the student's academic status by the Board's designee at intervals not to exceed 120 days. In the case of a high school student, the Board's designee, with the student's parent or guardian, shall review the student's progress toward graduation and establish a specific graduation plan for the student. The District is not required to provide in the District's DAEP a course not specified under Texas Education Code § 37.008. At the review, the student or the student's parent or guardian must be given the opportunity to present arguments for the student's return to the regular classroom or campus. To assess a student's academic growth in the District DAEP, the District shall administer to a student placed in a program for a period of 90 school days or longer an assessment instrument approved by the commissioner for that purpose.
- i) The decision of the Board's designee to remove a student to an alternative education program is not appealable. In determining the length of assignment for the student, the principal, or assistant principal may consider the seriousness of the offense, the discipline record of the student, the age of the student, the effect of the misconduct on the school environment, and/or previous assignments of other students for similar misconduct. Discipline assignments will not exceed one calendar year absent a finding that the student is a threat to the safety of other students or to district employees.
- j) For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the placement in the program will continue through graduation, and the student will not be allowed to participate in the graduation ceremony and related graduation activities, unless otherwise specified in the DAEP placement order.
- k) If a student withdraws from the district before an order for placement in a disciplinary alternative education program is entered, the principal or Board, as appropriate, may complete the proceedings and enter an order. If the student subsequently enrolls in the district during the same or subsequent school year, the district may enforce the order at that time, except for any period of the placement that has been served by the student on enrollment in another district that honored the order. If the principal or Board fails to enter an order after the student withdraws, the next district in which the student enrolls may complete the proceedings and enter an order. If, during the term of a placement ordered, a student engages in additional conduct for which placement in a disciplinary alternative education program or expulsion is required or permitted, additional proceedings

may be conducted regarding that conduct and the principal or Board, as appropriate, may enter an additional order as a result of those proceedings.

- l) Regarding DAEP placements, if the Superintendent or the Superintendent's designee receives notice under Article 15.27(g), Code of Criminal Procedure, i.e. the office of the prosecuting attorney or the office or officer designated by the juvenile court notifies the District that prosecution of the student's case was referred for lack of prosecutorial merit or insufficient evidence; or the court or jury found the student not guilty or made a finding that the student did not engage in delinquent conduct or conduct indirectly aimed for supervision and the case is dismissed with prejudice; the Superintendent or designee shall review the student's placement in the DAEP. The student may not be returned to the regular classroom pending the review.
- m) The Superintendent or designee shall schedule a review of the student's placement with the student's parent or guardian not later than the third class day after the Superintendent or designee receives notice from the office or official designated by the court. After reviewing the notice and receiving information from the student's parent or guardian, the Superintendent or designee may continue the student's placement in the DAEP if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.
- n) The student or the student's parent or guardian may appeal the Superintendent's decision described above to the Board of Trustees. The student may not be returned to the regular classroom pending the appeal. The Board shall, at the next scheduled Board meeting, review the notice provided under Article 15.27(g) of the Code of Criminal Procedure, and receive information from the student, the student's parent or guardian, and the Superintendent or designee and confirm or reverse the decision described above. If the Board confirms the decision of the Superintendent or designee, the Board shall inform the student and the student's parent or guardian of the right to appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending an appeal to the Commissioner. This appeal process does not apply to placement to the DAEP made in accordance with § 37.006(a), but only to off campus felony removals described above.

## 2. Placement Review

A student placed in a DAEP shall be provided a review of his or her status, including academic status, by the campus behavior coordinator or the board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

## 3. Appeals Procedures for DAEP Assignments

- a) In order to appeal, the student or his/her parent or guardian must notify the campus administrator in writing of the desire to do so within two (2) school days from the date he/she or they were informed of the decision for the placement in a DAEP. If

no appeal is taken within two (2) school days, the decision of DAEP placement shall be final.

- b) Any notice of appeal shall contain the student's name, the date of issuance of the decision under appeal, the name of the official whose decision is under appeal, the aspects of the decision which the student wishes to appeal, and the grounds for such appeal. If the student or parent will be represented in a conference at any level by an attorney, the District must be notified in advance of the conference so that the administration can obtain equal representation. Failure to do so will result in the need to reschedule the conference.
- c) The Board designates the Superintendent or the Superintendent's designee to hear appeals of DAEP assignments.
- d) In the event of an appeal, the campus administrator who received the appeal request shall notify the Superintendent or Superintendent's designee who shall arrange a time for hearing the appeal. The Superintendent or the Superintendent's designee shall notify the parent or guardian of the time and place of the hearing. The hearing shall be held within ten (10) school days of the date of filing the appeal, unless the parent or guardian agrees to an extension.
- e) Pending the appeal, the student shall be assigned to and shall attend the DAEP.
- f) At the hearing of the appeal, the Superintendent or Superintendent's designee shall confer with the campus administration and the student and his/her parent or guardian, review the record, and determine whether the DAEP placement should be sustained or reversed, or if the period of time of the assignment should be modified.
- g) The student's parent or guardian shall be notified in writing within five (5) school days of the date of the appeal hearing of the decision of the Superintendent or the Superintendent's designee.
- h) The decision of the Board's designee to place a student in a disciplinary alternative education program is final and not appealable.

#### 4. Transition Services

In accordance with law and district procedures, campus staff shall provide transition services to a student returning to the regular classroom from an alternative education program, including a DAEP or JJAEP. See Policies FOCA (LEGAL) and FODA (LEGAL) for more information.

### D. Emergency DAEP Placement and/or Emergency Expulsion

#### 1. Emergency Placement

The principal, campus behavior coordinator, or appropriate administrator may order a student to be immediately placed in an alternative education program if it is reasonably believed that the student's behavior is so unruly, disruptive, or abusive that it interferes with:

- a) A teacher's ability to communicate effectively with students in a class;
- b) The ability of the student's classmates to learn;



- c) The operation of the school or school sponsored activity; or
- d) If the appropriate administrator reasonably believes that eminent harm is likely.

At the time of the emergency placement the student shall be given oral notice of the reasons for emergency placement in a DAEP. The reason must be a reason for which placement in a disciplinary alternative education program may be made on a nonemergency basis. Within a reasonable time, but not later than the 10th day after the date of the placement, the student will be afforded appropriate due process as outlined in this code. The principal, campus behavior coordinator, or appropriate administrator shall not be liable for civil damages for an emergency placement.

## **2. Emergency Expulsion**

When an emergency expulsion is necessary to protect persons or property from imminent harm, the student shall be given verbal notice of the reason for the action. See Tex. Educ. Code § 37.019. The reason must be a reason for which placement in a disciplinary alternative education program or expulsion may be made on a nonemergency basis. Within ten days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

## **E. Placement and/or Expulsion For Serious Offenses**

This section includes two categories of serious offenses for which the Texas Education Code provides unique procedures and specific consequences.

### **1. Registered Sex Offenders**

Upon receiving notification in accordance with state law that a student is currently required to register as a sex offender, the district must remove the student from the regular classroom and determine appropriate placement unless the court orders JJAEP placement.

If the student is under any form of court supervision, including probation, community supervision, or parole, the placement will be in either DAEP or JJAEP for at least one semester.

If the student is not under any form of court supervision, the placement may be in a DAEP or JJAEP for one semester or the placement may be in a regular classroom. The placement may not be in the regular classroom if the Board or its designee determines that the student's presence:

- a) Threatens the safety of other students or teachers;
- b) Will be detrimental to the educational process; or
- c) Is not in the best interests of the district's students.

**Review Committee:** At the end of the first semester of a student's placement in an alternative educational setting and before the beginning of each school year for which the student remains in an alternative placement, the District shall convene a committee, in accordance with state law, to review the student's placement. The committee will

recommend whether the student should return to the regular classroom or remain in the placement. Absent a special finding, the Board or its designee must follow the committee's recommendation.

The placement review of a student with a disability who receives special education services must be made by the ARD committee.

If a student enrolls in the District during a mandatory placement as a registered sex offender, the District may count any time already spent by the student in a placement or may require an additional semester in an alternative placement without conducting a review of the placement.

A student or the student's parent may appeal the placement by requesting a conference between the Board or its designee, the student, and the student's parent. The conference is limited to the factual questions of whether the student is required to register as a sex offender. Any decision of the Board or its designee under this section is final and may not be appealed.

## 2. Certain Felonies

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the Mandatory Removal or Expulsion Offenses, in accordance with the Texas Education Code 37.0081, a student may be expelled and placed in either DAEP or JJAEP if the Board or its designee makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 of the Penal Code. The student must:

- a) Have received deferred prosecution for conduct defined as aggravated robbery or a Title 5 felony offense;
- b) Have been found by a court or jury to have engaged in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense;
- c) Have been charged with engaging in conduct defined as a Title 5 felony offense;
- d) Have been referred to a juvenile court for allegedly engaging in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense; or
- e) Have received probation or deferred adjudication or have been arrested for, charged with, or convicted of aggravated robbery or a Title 5 felony offense.

The District may expel the student and order placement under these circumstances regardless of:

- a) The date on which the student's conduct occurred,
- b) The location at which the conduct occurred;
- c) Whether the conduct occurred while the student was enrolled in the District; or
- d) Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.

The student must first have a hearing before the Board or its designee, who must determine that in addition to the circumstances above that allow for the expulsion, the student's presence in the regular classroom:

- a) Threatens the safety of other students or teachers;
- b) Will be detrimental to the educational process; or
- c) Is not in the best interests of the district's students.

Any decision of the Board or the Board's designee under this section is final and may not be appealed.

The student is subject to the placement until:

- a) The student graduates from high school;
- b) The charges are dismissed or reduced to a misdemeanor offense; or
- c) The student completes the term of the placement or is assigned to another program.

### 3. Placement Review

A student placed in a DAEP or JJAEP under these circumstances is entitled to a review of his or her status, including academic status, by the campus behavior coordinator or board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall have the opportunity to present arguments for the student's return to the regular classroom or campus.

### 4. Newly Enrolled Students

A student who enrolls in the District before completing a placement under this section from another school district must complete the term of the placement.

## **DISCIPLINARY APPEALS**

Questions from parents regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate. Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FNG (LEGAL). A copy of the policy may be obtained from the principal's office, the central administration office, or through Policy On Line at the following address: <https://pol.tasb.org/Home/Index/143>. The District shall not delay a disciplinary consequence while a student or parent pursues a grievance.

Any notice of appeal shall contain the student's name, the date of issuance of the decision under appeal, the name of the official whose decision is under appeal, the aspects of the decision which the student wishes to appeal, and the grounds for such appeal. If the student or parent will be represented in a conference at any level by an attorney, the District must be notified in advance of the conference so that the administration can obtain equal representation. Failure to do so will result in the need to reschedule the conference.

## **DISRUPTIONS**

Discipline and order shall be maintained during school hours and at school events.

No person may willfully or recklessly engage in disruptive activity or disrupt a lawful assembly on the campus or property of any public school. "Disruptive activity" is defined by the Texas Education Code, Section 37.123 as:

1. Obstructing or restraining the passage of a person in an exit, entrance, or hallway of any building without the authorization of the administration of the school.
2. Seizing control of any building or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity.
3. Preventing or attempting to prevent by force or violence or the threat of force or violence any lawful assembly authorized by the school administration so that a person attempting to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur.
4. Disrupting by force or violence or the threat of force or violence a lawful assembly in progress.
5. Obstructing or restraining the passage of any person at an exit or entrance to said campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person from said property or campus without the authorization of the administration of the school.

These provisions shall not be construed to infringe upon any rights of free speech or expression guaranteed by the Constitutions of the United States or of this state. Conduct by students either in or out of class which for any reason — whether because of time, place, or manner of behavior — materially disrupts classwork or involves substantial disorder or invasion of the rights of others is prohibited.

### **A. Disruption of Classes**

For purposes of this rule, "school property" shall include the public school campuses or school grounds or buildings used by the District schools for assemblies or other school-related activities, and "public property" includes any street, highway, alley, public park, or sidewalk. No person shall be permitted, on school property or on public property within 500 feet of school property, to intentionally disrupt, alone or in concert with others, the conduct of classes or other school activities. Conduct which disrupts the educational activities of a school includes:

1. Emissions by means of noise of an intensity that prevents or hinders classroom instruction;
2. Enticement or attempted enticement of students away from classes or other school activities that students are required to attend;
3. Prevention or attempted prevention of students from attending classes or other school activities that students are required to attend; and
4. Entrance into a classroom without consent of either the principal or the teacher and either through acts of misconduct and/or use of loud or profane language causing disruption of class activities. (TEC § 37.124)

**B. Disruption of Transportation**

Any person other than a primary or secondary grade student who intentionally disrupts, prevents, or interferes with the lawful transportation of students to and from school on a vehicle owned or operated by the District or to or from activities sponsored by a school on a vehicle owned and/or operated by the District shall be guilty of a misdemeanor. It is an exception to the application of the offense that, at the time the person engaged in the prohibited conduct, the person was younger than 12 years of age. (TEC § 37.126)

**C. Disruption by False Alarm or Terroristic Threat**

A person commits an offense if the person engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06, Penal Code, or terroristic threat under Section 22.07, Penal Code.

1. An offense under Section 42.06 of the Penal Code is a state jail felony.
2. An offense under Section 22.07 of the Penal code may range from a Class B misdemeanor to a third degree felony, depending on the conduct.

**D. Disruption by Exhibition of Firearms**

A person commits an offense if the person intentionally exhibits, uses, or threatens to exhibit or use a firearm in a manner intended to cause alarm or personal injury to another person, or to damage school property, including a parking lot, parking garage, or parking area owned by a school or portion of a campus or of a school bus being used to transport children to or from school sponsored activities of a private or public school. (TEC § 37.125)

1. An offense under this section is a third degree felony.

**DRESS AND GROOMING**

Acceptable dress and grooming at school, or while representing the school, shall be neat, clean, and appropriate for the school situation. Student's dress and grooming that create a hazard to the student's safety and/or safety of others will not be allowed. All students are expected to dress in a manner that is appropriate for the age of the child and for the activities in which he/she participates.

Appropriate dress and grooming shall let students be free from distraction of other students and/or the learning process. Since it is impractical to list every possibility of dress and grooming, the principal or assistant principal shall determine appropriateness of dress. Final decision relating to appropriate dress will reflect concern for health and safety of students and the influence of specific dress or grooming on the overall educational climate of the school.

Clarification regarding apparel should be obtained from the principal or assistant principal prior to wearing it to school. Campus administrators are authorized to determine the suitability of student attire and grooming.

The guidelines are reviewed periodically to ensure they continue to reflect community expectations while permitting individual choices and recognizing acceptable current fashions. However, extreme styles shall be recognized as being inappropriate for school wear.

These regulations are applicable to the conduct of students while in attendance at school, while on school property, or at school-sponsored activities. These regulations also apply to student behavior at other times that impairs, interferes with, or obstructs the missions, processes, or functions of the district.

A. **District-Wide Dress Code Policies:**

1. **Standards For Attire**

- a) Appropriate undergarments will be worn at all times. (Shorts are to be worn under skirts and dresses at the elementary level.)
- b) students back, chest, backside, stomach, and top of shoulders must be covered.
- c) clothing shall be of appropriate size, length, and fitting to cover undergarments when the student is standing, sitting, stooping, or bending. Oversized clothing and outerwear, such as trench coats (or other long coats that resemble the style of a trench coat) are not permitted.
- d) Pants/shorts must be worn in a secured manner at the waist and shall not “sag.” They are to fit the student in an acceptable and appropriate manner.
- e) Form-fitting, stretch clothing such as biking shorts, bodysuits, leotards, tights, leggings, yoga pants, etc., shall not be worn except when worn appropriately as an undergarment beneath a garment that extends at or below mid-thigh.
- f) Shorts/skirts/dresses/slits in dresses/skirts should extend to mid-thigh or below while standing upright. Shorts should have no less than a 4 inch in-seam. (Athletic shorts are allowable at the elementary level.)
- g) Appropriate footwear is required. Appropriate shoes are required for PE and/or any other student activity as determined by the campus administrator.

2. **Standards for Grooming**

- a) Hair shall be clean, neat, and well-groomed. Boys’ hairstyles may not be worn in a ponytail or bun and must be trimmed to the base of the collar, base of the earlobe, and kept clean, neatly trimmed, and combed out of the eyes.
- b) Extreme hairstyles or non-natural colors that are distracting to the learning environment are not allowed.
- c) Students must be clean shaven.
- d) ~~Visible t~~Visible tattoos, piercing of the body, and body painting ~~in a noticeable or inappropriate manner~~ are not permitted at school or while representing the school. Only female students are permitted to wear earrings.

3. **Students May Not Wear**

- a) Sheer or see-through clothing and visible spaghetti straps are not allowable.
- b) Revealing or low-cut apparel is not acceptable, including backless garments.
- c) Pajamas/Sleepwear of any kind is not allowable.
- d) Undergarments are not to be visible in any way.
- e) Hats, wigs, and head-coverings of any kind are not to be worn within school buildings except in the interest of religious practices, safety, cleanliness, for medical reasons, or with the permission of the principal.

- f) Shoes with wheels are not permitted. House shoes, slippers, and other similar soft-soled footwear are not acceptable for school.
- g) Due to the slippery nature of outdoor walkways and recess activities, flip flops and athletic slides are discouraged at the elementary level.
- h) Pants/shorts/skirts with holes, frays, and/or distressed are not permitted on all campuses. Administrators will use their discretion on holes caused by wear at the elementary level.
- i) Clothing that depicts or references alcohol, drugs, tobacco or any other substance prohibited under policy FNCF (LEGAL), weapons, nudity, gang affiliation, death, suicide, violence, vulgar or obscene language or images, and/or insults to race, religion, gender, or ethnicity, or other emblems or writing that may be expected to cause a material or substantial disruption of, or interference with, normal school operations is prohibited.

Any dress or grooming prohibited by this code or that, in the principal's judgment, may reasonably be expected to interfere with normal school operations are not allowed.

If the principal determines that a student's clothing or grooming violates the District's dress code, the student shall be given an opportunity to correct the problem at school or in some cases the parent may be given the option to correct the problem. If the problem is not corrected, the student shall be assigned to in-school-suspension for the remainder of the day or until the problem is corrected. Repeated offenses will result in more serious disciplinary action. An exception will be made for students who, as a matter of their sincerely held religious belief, wear religious head wear or clothing, including but not limited to the Sikh dastar (turban), the Muslim hijab (head scarf), or the Jewish yarmulke (skull cap).

If the principal or assistant principal, in cooperation with the sponsor, coach, or other person in charge of any extracurricular activity, may regulate the dress and grooming of students who participate in the activity. Students who violate these standards may be removed or excluded from the activity for a period determined by the principal or sponsor and may be subject to other disciplinary action.

## **DRUG/ALCOHOL USE**

No student shall possess, use, transmit, or attempt to possess, use, or transmit, sale or attempt to sale, or be under the influence of any of the following substances, without regard to amount, on school premises during any school term on or off school premises at a school related activity, function, or event:

1. Any controlled substance or dangerous drug as defined by the Texas Health and Safety Code, Section 481.002, without regard to amount, including but not limited to marijuana, any narcotic, drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision.
2. Alcohol or any alcoholic beverage.
3. Any abusable volatile chemical listed under sections 485.031 through 485.034 of the Texas Health and Safety Code

4. Any other intoxicant, or mood changing, mind altering, or behavior altering drug.
5. Drug paraphernalia as defined in Texas' Health and Safety Code, Section 481.002.

A student who appropriately uses a drug authorized by a licensed physician through a prescription specifically for that student's use shall not be considered to have violated this policy. Students who use prescription drugs on school property shall give the prescription medication, in the original container and properly labeled, to the school nurse when they arrive at school with a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student.

Students who violate this policy shall be subject to disciplinary action and criminal prosecution.

Cars, lockers, common areas and classrooms may be searched for alcohol and drugs in accordance with Board Policy.

District personnel may administer a "breathalyzer test" in accordance with District's Student Code of Conduct and Drug and Alcohol Abuse Prevention Policy upon request by authorized school personnel, which is based on reasonable cause to believe that a student has violated this section.

Refusal to submit to a breathalyzer test that is requested based on reasonable cause is an offense punishable to the same degree as prohibited alcohol use.

#### **EJECTION OR EXCLUSION FROM SCHOOL PROPERTY**

Pursuant to Texas Education Code § 37.105, a school administrator or peace officer shall have authority to refuse entry or eject a person from District property if the person refuses to leave peaceably upon request and either:

1. The person poses a substantial risk of harm to any person; or
2. The person behaves in a manner inappropriate for the school setting, an administrator or officer issues the individual a verbal warning, and the individual persists in the behavior.

At the time an individual is ejected or excluded, the school administrator or peace officer will provide the individual a written explanation of the appeal process. Ejection or exclusion may not last more than two years, and if the individual is a parent, the district must accommodate the parent to ensure parental participation in an ARD or 504 committee meeting.

The school administrator or peace officer shall maintain a written log of all verbal warnings issued to include the individual's name, the date, and a brief description of the inappropriate behavior.

Appeals regarding refusal of entry or ejection from district property may be filed in accordance with FNG (LOCAL) or GF (LOCAL), as appropriate. However, the timelines for the district's grievance procedures shall be adjusted as necessary to permit the person to address the board in person within 90 days, unless the complaint is resolved before a board hearing.



## **EXPULSION**

### **A. Length of expulsion**

1. The length of the expulsion shall be based on the seriousness of the offense, the discipline record of the student, the age and grade level of the student, the student's attitude, the effect of the misconduct on the school environment, and all applicable statutory requirements. The duration of a student's expulsion shall be determined on a case-by-case basis.
2. Discipline assignments will not exceed one calendar year, unless, after review, the District determines that the student is a threat to the safety of other students or to District employees, or extended expulsion is in the best interest of the student.
3. If a student is expelled for bringing a firearm, as defined by 18 U.S.C. § 921, the student must be expelled for a period of at least one year. However, the superintendent or other appropriate administrator may modify the length of the expulsion on a case-by-case basis. A student under age 10 shall be expelled for a federal firearm violation, but will be provided educational services in an Alternative Education Program.
4. A student who, before the date on which a juvenile justice alternative education program for the county in which the student resides begins operation, engages in conduct requiring mandatory expulsion shall be expelled for a period not to exceed one year.

### **B. Newly Enrolled Students**

1. The District shall decide on a case-by-case basis the placement of a newly enrolled student in Bellville Independent School District who has been expelled from another school district or open-enrollment charter school.
2. The expulsion of a student who was expelled by a school district in another state will be continued if:
  - b) the out-of-state district provides to the district a copy of the expulsion order; and
  - c) the grounds for the expulsion are also grounds for expulsion in Bellville ISD.
  - d) If a student was expelled by a school district in another state for a period that exceeds one year, Bellville ISD shall reduce the period of the expulsion or placement so that the aggregate period does not exceed one year, unless, after a review, the district determines that:
    - i. the student is a threat to the safety of other students or to district employees; or
    - ii. extended placement is in the best interest of the student.
3. If the student enrolls in another school district before the expiration of the period of expulsion, a copy of the expulsion order shall be provided to that district at the same time other student records are provided.

### **C. Withdrawal During Process**

If a student withdraws from the district before an order for expulsion is entered, the principal or Board, as appropriate, may complete the proceedings and enter an order. If the student then re-enrolls in the district during the same or subsequent school year, the district may enforce the order at that time, except for any period of the expulsion that has been served by the student on enrollment in another district that honored the order. If the

principal or Board fails to enter an order after the student withdraws, the next district in which the student enrolls may complete the proceedings and enter an order.

**D. Additional Misconduct**

If, during the term of expulsion ordered, a student engages in additional conduct for which expulsion is required or permitted, additional proceedings may be conducted regarding that conduct and the principal or Board, as appropriate, may enter an additional order as a result of those proceedings.

**E. Restrictions During Expulsion**

Expelled students are prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of expulsion. No district academic credit shall be earned for work missed during the period of expulsion unless the student is enrolled in a JJAEP or another district-approved program.

**F. Procedures for Expulsion Hearing**

1. The student may only be expelled by written order setting the term of expulsion.
2. Before the expulsion, the Board's designee must provide the student a full and fair hearing at which the student is afforded due process which shall include the following:
  - a) prior notice of the charges and the proposed sanctions as to afford a reasonable opportunity for preparation;
  - b) right to representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of the district,
  - c) opportunity to testify and present evidence and witness(es) in his or her defense;
  - d) opportunity to examine the evidence presented by the school administration and to question the administration's witness.
3. The Board designates the campus principal, campus behavior coordinator or other appropriate administrator to conduct the expulsion hearing. The individual designated by the Board shall issue a written expulsion decision within three (3) school days following the hearing.
4. The student's parent shall be invited in writing to attend the hearing. After providing notice to the student and parent of the hearing, the district may hold the hearing regardless of whether the student or the student's parent attends.
5. Until a hearing can be held, the campus behavior coordinator or other administrator may place the student in:
  - Another appropriate classroom.
  - In-school suspension.
  - Out-of-school suspension.
  - DAEP.
6. Before ordering the expulsion, the principal, campus behavior coordinator, or other appropriate administrator shall take into consideration self-defense (see glossary), intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, a disability that substantially impairs the student's capability to appreciate the wrongfulness of the student's conduct, a student's status in the

conservatorship of the Department of Family and Protective Services (foster care), or a student's status as homeless.

7. Not later than the third school day after the hearing, the principal, campus behavior coordinator, or other appropriate administrator shall deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.
8. If the length of the expulsion is inconsistent with the guidelines included in the Student Code of Conduct, the expulsion order shall give notice of the inconsistency.
9. If the decision to expel a student is made by the Board's designee, the decision may be appealed through the district's appeals process to the Board.

**G. Board Review of Expulsion**

1. After the due process hearing, the expelled student or his/her parent or guardian may request that the Board review the expulsion decisions. The student or parent must submit a written request to the superintendent within seven (7) school days after receipt of the written decision.
2. Any notice of appeal shall contain the student's name, the date of issuance of the decision under appeal, the name of the official whose decision is under appeal, the aspects of the decision which the student wishes to appeal, and the grounds for such appeal.
3. The Superintendent or superintendent's designee must provide the student or parent written notice of the date, time, and location of the meeting at which the Board will review the decision. The hearing shall be held within ten (10) school days of the date of filing the appeal, unless the parent or guardian agrees to an extension.
4. The Board shall review the record of the expulsion hearing in a closed meeting unless the parent requests in writing that the matter be held in an open meeting. The board may also hear a statement from the student or parent and from the Board's designee.
5. The Board shall hear statements made by the parties at the review and shall base its decision on evidence reflected in the record and any statements made by the parties at the review. The Board shall make and communicate its decision orally at the conclusion of the presentation. Consequences shall not be deferred pending the outcome of the hearing.
6. Pending the Superintendent or Superintendent Designee appeal, the student shall be assigned to and shall attend the DAEP.
7. Parental questions or complaints regarding ancillary issues related to disciplinary measures should be addressed informally with the teacher or campus administration, as appropriate or in accordance with Board Policy FNG (LOCAL). This process, however, may not be used to overturn a disciplinary assignment.

**EXTRACURRICULAR ACTIVITIES, CLUBS, AND ORGANIZATIONS**

Student clubs and performing groups such as, but not limited to, band, choir, cheerleading, and drill and athletic teams may establish standards of behavior – including consequences for misbehavior – that are stricter than those for students in general. If a violation is also a violation of school rules, the consequences specified by the Student Code of Conduct or by local policy will apply in addition to any consequences specified by the organization(s). All standards of behavior

and any related consequences established or specified by the applicable organization(s) are adopted and incorporated herein.

### **GANG-FREE SCHOOL ZONE**

Bellville ISD is a Gang-Free School Zone, under Penal Code section 71.028. This section establishes Gang-Free School Zones and provided for enhanced punishment for gang-related criminal activity occurring in, on, or within 1,000 feet of any real property that is owned, rented, or leased by a school or school board. Under the act punishment for certain offenses is increased to the punishment prescribed for the next highest category of offense if the actor is 17 years of age or older and it is shown beyond a reasonable doubt on the trial of the offense that the actor committed the offense at a location that was owned, rented, or leased by a school or school board.

### **INVESTIGATIVE PROCESS**

When an office discipline referral form is submitted, the administrator follows an investigative process. This process includes the following steps:

1. The student will have the opportunity to provide a written or dictated statement on the appropriate incident report.
2. If there is a discrepancy between the discipline office referral form and the student's incident report or for other investigative purposes, witness statements are collected from those who observed the incident and agree to provide information about what they observed.
3. Administrators collect and review pertinent student information such as special education/504 status and discipline history.
4. Administrators shall take into consideration whether any of the following mitigating factors were involved in the incident:
  - a) Self-defense (see glossary),
  - b) Intent or lack of intent at the time the student engaged in the conduct,
  - c) The student's disciplinary history,
  - d) A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.
  - e) A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
  - f) A student's status as homeless.
5. Administrators consider police involvement and/or information furnished under Article 15.27, Code of Criminal Procedure, if criminal activity was involved.
6. A decision regarding consequences is then determined pursuant to *Student Code of Conduct*.
7. Administrators notify the parent and other pertinent individuals following the investigation; however behavior of other students involved in an incident cannot be shared due to the Family Educational Rights and Privacy Act (FERPA).

Within 24 hours of concluding the investigation and rendering a decision, all documentation relating to the student's discipline referral will be entered into the school data systems.

## **MOTOR VEHICLE PRIVILEGES**

Students who drive motor vehicles to school are required to park on school property. Students who drive vehicles to school must purchase and display a current parking decal. Students who are parked improperly, illegally, and/or do not display the proper identification are subject to disciplinary action. Vehicles parked improperly or illegally on school property may be towed at owner's expense. Vehicles parked off school property may be towed at the property owner's discretion.

Student drivers are expected to operate vehicles in a safe manner at all times and not in any way to make themselves noticed by the way they drive except by courteous and responsible behavior.

A student has full responsibility for the security of his/her vehicle and should make certain that it is locked and that the keys are not given to others. Schools are not responsible for vandalism to or burglary of items contained in motor vehicles parked on school property.

## **NONDISCRIMINATION UNDER TITLES II (ADA), VI, AND IX AND 504**

Bellville ISD does not discriminate on the basis of sex, disability, race, religion, color, gender, age, or national origin, in providing educational services and/or activities, including career and technical programs, nor in its employment practices in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended. Inquiries/complaints concerning the application of Title IX and its implementing regulations may be referred to the District's Title IX Coordinator, Dr. Nicole Poenitzsch, at 518 South Mathews, Bellville, TX 77418, (979) 865-3133, or the Office of Civil Rights. Dr. Poenitzsch may also be reached via email at [npoenitzsch@bellvillebrahmas.org](mailto:npoenitzsch@bellvillebrahmas.org). Dr. Megan Pape, Director of Special Education/504, has been designated to coordinate compliance with the nondiscrimination requirements of Section 504 of the Rehabilitation Act of 1973. Inquiries/complaints concerning 504 may be referred to Dr. Pape at 518 South Mathews, Bellville, TX 77418, (979) 865-3133. Dr. Pape may also be reached via email at [mpape@bellvillebrahmas.org](mailto:mpape@bellvillebrahmas.org).

Bellville ISD does not discriminate on the basis of disability by denying access to the benefits of District services, programs, or activities. To request information about the applicability of Title II of the Americans with Disabilities Act (ADA), interested persons should contact Dr. Nicole Poenitzsch, Superintendent of Schools.

## **NOTIFICATION**

There is no legal right on the part of a parent to be notified or to be present when students are in conversation with or being questioned by school officials concerning school-related behaviors or concerns. Unless under arrest, students are not legally entitled to be read their rights ("Miranda Warnings") when being questioned by school officials concerning school-related behaviors or concerns.

The appropriate administrator/campus behavior coordinator shall promptly notify a student's parent by phone or in writing person of any violation that may result in a detention outside of regular school hours, in-school or out-of-school suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The designated administrator/campus behavior coordinator shall also notify

a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code. A good faith effort shall be made on the day the action was taken to provide to the student for delivery to the student's parent written notification of the disciplinary action. If the parent has not been reached by telephone or in person by 5:00 p.m. of the first business day after the day the disciplinary action was taken, the administrator/campus behavior coordinator shall send written notification by U.S. Mail. If the administrator/campus behavior coordinator is not able to provide notice to the parent, the principal or designee shall provide the notice. Notification will be made within three school days after the administrator becomes aware of the violation. Before the principal or appropriate administrator assigns a student under 18 to detention outside regular school hours, notice shall be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for necessary transportation.

**Questioning of Students by Outside Authorities:** When law enforcement officers or other lawful authorities such as CPS wish to question or interview a student at school, the principal or designee will cooperate fully regarding the conditions of the interview, if the questioning or interview is part of a child abuse investigation. In other circumstances:

1. The principal shall verify and record the identity of the officer or other authority and request an explanation of the need to question or interview the student at school;
2. **The principal ordinarily shall make reasonable efforts to notify the student's parents or other person having lawful control of the student. If the interviewer raises what the principal considers to be a valid objection to the notification, parents will not be notified. Failure or inability to notify the parents or other persons having lawful control of the student will not ordinarily prevent or delay questioning by law enforcement officials;**
3. The principal or a designee ordinarily shall be present during the questioning or interview. If the interviewer raises what the principal considers to be a valid objection to a third party's presence, the interview shall be conducted without that person's presence; such as in a case including a criminal investigation;
4. It is the police officer's responsibility to inform the student of his/her rights (Miranda Warning) when required by law. Once a police officer begins questioning a student, all responsibility for such questioning rests with the police officer.

Bellville ISD will not impede the questioning of a student by a law enforcement officer who has a subpoena, court order, warrant, or directive to apprehend, or who is willing to take the child into custody and remove the child from campus for investigation regarding a non-school-related matter under Texas Family Code 52.01. In case of removal from the campus, the law enforcement officer will be requested to follow campus procedures for checking the student out of school. However, absent one of these provisions, school personnel will request that, prior to allowing an interview for non-school-related matters, parental permission must be obtained.

## **OFFENSES AND CONSEQUENCES**

Discipline shall be designed to improve conduct and to encourage students to adhere to their responsibilities as members of the school community. Disciplinary action shall draw on the professional judgment of teachers and administrators and on a range of discipline management techniques, including restorative practices. Discipline shall be based on the seriousness of the

offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements.

In deciding whether to order suspension, removal to a DAEP or expulsion--regardless of whether the decision concerns a mandatory or discretionary action under the Texas Education Code--the District will take into consideration:

1. self-defense;
2. intent or lack of intent at the time the student engaged in the conduct;
3. the student's disciplinary history;
4. a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care); or
6. A student's status as homeless.

If appropriate, the District shall also consider the student's age, attitude, the seriousness of the offense, and the potential effect of the misconduct on the school environment. These disciplinary actions apply equally to all students, except as provided under Board Policy and legal requirements related to students with disabilities.

In considering self-defense, self-defense may be considered as a mitigating circumstance only when the student has a reasonable belief that the student's response is immediately necessary to protect himself/herself against the other's use or attempted use of improper force that could result in serious bodily injury. Reasonable belief in the school setting means a belief that would be held by the campus behavior coordinator or other appropriate administrator in the same circumstances as the actor. Each student is responsible for making every effort to avoid the use of any force and is expected to remove himself or herself from the situation if at all possible. The District does not condone or authorize students to use force against another individual, even if that individual provokes or instigates a fight or altercation.

A student's parent or guardian will be notified in writing of a violation of the student code of conduct committed by the student that results in suspension, removal to a disciplinary alternative education program, or expulsion.

This section of the Discipline Management Plan provides a description of a wide range of behaviors considered to be misconduct. The behaviors described here are representative of the misconduct which most frequently causes disruption of the education process. The list does not include all types of misconduct included in Board Policy and Administrative Procedures. The student who commits an act of misconduct which is not listed will be subject to the disciplinary authority of the campus staff.

A. **Class A Offenses: Most Serious Offenses**

**MANDATORY EXPULSION**

A student age 10 or older shall be expelled from school for any of the following offenses if committed on school property or while attending a school-sponsored or school related activity on or off of school property:

1. Unlawfully carrying weapons under 46.02, Penal Code; or using or possessing a prohibited weapon as defined in Section 46.05, Penal Code. See Policy FNCG (LEGAL).
2. Engaging in conduct that contains the elements of the offense of aggravated assault as defined in Section 22.02, Penal Code; sexual assault as defined in Section 22.011, Penal Code; aggravated sexual assault as defined in Section 22.021, Penal Code.
3. Engaging in conduct that contains the elements of the offense of arson under Section 28.02, Penal Code.
4. Engaging in conduct that contains the elements of murder as defined in Section 19.02, Penal Code; capital murder as defined in Section 19.03, Penal Code; criminal attempt to commit murder or capital murder as defined in Section 15.01, Penal Code.
5. Engaging in conduct that contains the elements of indecency with a child as defined in Section 21.11, Penal Code or continuous abuse of a young child or children.
6. Engaging in conduct that contains the elements of aggravated kidnapping as defined in Section 22.04, Penal Code.
7. Engaging in conduct that contains the elements of aggravated robbery under Penal Code Section 29.03.
8. Engaging in conduct that contains the elements of manslaughter under Penal Code Section 19.04
9. Engaging in conduct that contains the elements of criminally negligent homicide under Penal Code Section 19.05.
10. Engaging in conduct that constitutes continuous sexual abuse of a young child or children under Penal Code Section 21.02.
11. Selling, giving, delivering, possessing, using, or being under the influence of marijuana or a controlled substance as defined by Chapter 481, et seq. of the Texas Health and Safety Code, or by 21 United States Code (U.S.C.) Section 801 et seq; a dangerous drug, as defined by Chapter 483 et seq., Texas Health and Safety Code if the conduct is punishable as a felony. Students are advised that if “reasonable suspicion” exists that a student has violated this paragraph, the student may be tested for evidence of the potential violation. If the student refuses to cooperate with the testing, then the consequences of violating this paragraph will attach and apply to the student.
12. Selling, giving, delivering, possessing, using, or being under the influence of an alcoholic beverage as defined by Section 1.04, Alcoholic Beverage Code; committing a serious act or offense while under the influence of alcohol if the offense is punishable as a felony. Students are advised that if “reasonable suspicion” exists that a student has violated this paragraph, the student may be tested for evidence of the potential violation, including, but not limited to, a “breathalyzer test”. If the student refuses to cooperate with the testing, then the consequences of violating this paragraph will attach and apply to the student.
13. Engaging in conduct that contains the elements of the offense of criminal mischief under Section 28.03, Penal Code, if the offense is punishable as a felony under that section.



A student shall be expelled for the following offense if committed on school property or while attending a school-sponsored or school related activity on or off school property:

1. Bringing to school, or possessing at school, including any setting that is under the district's control or supervision for the purpose of a school activity, a firearm, as defined by 18 U.S.C., Section 921.

A student shall be expelled for the following offense, regardless of location, for:

1. Engaging in retaliation against a school employee, board member or volunteer combined with one of the above-listed mandatory expulsion offenses, with the exception of the federal firearm offense

**Note:** Mandatory expulsion under the federal Gun-Free Schools Act does not apply to a firearm that is lawfully stored inside a locked vehicle, or to a student's use, exhibition, or possession of a firearm that occurs (a) at an approved target range facility that is not located on a school campus; and (b) while participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department. This paragraph does not authorize a student to bring a firearm on school property to participate in or prepare for a school-sponsored shooting sports competition or a shooting sports educational activity.

If a student under the age of 10 engages in any of these behaviors, the student shall not be expelled, but shall be placed in a DAEP. A student under age 6 shall not be placed in DAEP unless the student commits the federal firearm offense.

#### **DISCRETIONARY EXPULSION**

At the District's discretion, a student age 10 or older may be expelled for any of the following offenses, if committed while on school property or within 300 feet of school property as measured from any point on the school's real boundary line, or while attending a school-sponsored or school-related activity on or off school property:

1. Engaging in documented serious misbehavior that violates the district's student code of conduct, despite documented behavioral interventions while placed in a disciplinary alternative education program. For purposes of discretionary expulsion from a DAEP, serious misbehavior means: deliberate violent behavior that poses a direct threat to the health or safety of others; extortion, meaning the gaining of money or other property by force or threat; conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or conduct that constitutes the offense of:
  - a) Public lewdness under Section 21.07, Penal Code;
  - b) Indecent exposure under Section 21.08; Penal Code;
  - c) Criminal mischief under Section 28.03, Penal Code;
  - d) Hazing under Section 37.152; or
  - e) Harassment under Section 42.07(a) (1), Penal Code, of a student or district employee.

2. Criminal mischief, if punishable as a felony whether committed on or off school property or at a school related event. *TPC § 28.03; TEC 37.007(C)*.
3. Engaging in “bullying” that encourages a student to commit or attempt to commit suicide; inciting violence against a student through group bullying; or releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student’s consent. A student is also subject to discipline under this section if the bullying occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity. *TEC §§ 37.0832; 37.0052*
4. The use, gift, sales, delivery, possession, or being under the influence of alcohol, marijuana, other controlled substances, dangerous drugs, or abusable volatile chemicals even if not a felony. Students are advised that if “reasonable suspicion” exists that a student has violated this paragraph, the student may be tested for evidence of the potential violation, including, but not limited to, a “breathalyzer test”. If the student refuses to cooperate with the testing, then the consequences of violating this paragraph will attach and apply to the student.
5. Engaging in conduct that contains the elements of assault as described in Section 22.01 (a)(1), Penal Code, against a school district employee, board member or a volunteer. *See TEC 37.006(a)(2)(B)*
6. Engaging in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06 of the Penal Code, or terroristic threat under Section 22.07 of the Penal Code.
7. Engaging in conduct that contains the elements of the offense of deadly conduct under Penal Code Section 22.05.
8. Engaging in expellable conduct under TEC 37.007(a) (mandatory expellable offenses) or possesses a firearm, as defined by 18 U.S.C. Section 921 within 300 feet of school property as measured from any point on the school’s real boundary line.
9. Engaging in expellable conduct under TEC 37.007(a) (2) (A) or (C) (aggravated assault, sexual assault, murder, etc.) or the offense of aggravated robbery under Penal Code Section 29.03, against another student, without regard to whether the conduct occurs on or off of school property or while attending a school sponsored or school-related activity on or off school property.
10. Engaging in the elements of one of the following offenses against another student, without regard to where the conduct occurs: aggravated assault, sexual assault, murder, capital murder, criminal attempt to commit murder or capital murder, aggravated robbery, breach of computer security.
11. Engaging in the following conduct within 300 feet of school property, as measured from any point on the school’s real property boundary line: aggravated assault, sexual assault, or aggravated sexual assault; arson; murder, capital murder, or criminal attempt to commit murder or capital murder; indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery; continuous sexual abuse of a young child or children; felony drug or alcohol related offense; unlawfully carrying on or about the student’s person a handgun, or a location-restricted knife; possessing, manufacturing, transporting, repairing, or selling a prohibited weapon (as defined by state law); or possession of a firearm (as defined by federal law).

At the District's discretion, a student age 10 or older may be expelled based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school related activity if it constitutes cyberbullying that: (A) interferes with a student's educational opportunities; or (B) substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

**Consequence(s): Students age 10 or older guilty of the Most Serious Discipline Offenses** may be expelled for up to one year if the student committed the offense on school property or while attending a school-sponsored or school related activity on or off school property. Students under the age of 10 guilty of the Most Serious Discipline Offenses shall be placed in an Alternative Education Program. Students guilty of the federal firearm offense shall be expelled for one calendar year as required by Federal Law. After a period of expulsion, the District may assign a student to an alternative education program upon return to school. A student under age 10 shall be expelled for a federal firearm violation, but the student will be provided educational services in an Alternative Education Program.

**B. Class B Offenses: Critical/Serious Offenses**

**MANDATORY REMOVAL TO AN ALTERNATIVE EDUCATION PROGRAM**

A student must be placed in an Alternative Education Program if the student:

1. Engages in conduct that involves a public school that contains the elements of a false alarm or report (including a bomb threat) or a terrorist threat as defined in TPC § 22.07. *See TEC § 37.006(a)(1).*
2. Commits any of the following offenses on school property, within 300 feet of school property, or while attending a school-sponsored or school related activity on or off school property.
  - a) Engages in conduct punishable as a felony. *See TEC § 37.006(a)(2)(A).*
  - b) Engages in conduct that contains the elements of the offense of assault as defined in Section 22.01 (a)(1), Penal Code.
  - c) Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana or a controlled substance, or a dangerous drug in an amount not constituting a felony offense. (School-related felony drug offenses are addressed in the Expulsion section.) (See glossary for "under the influence.") Students are advised that if "reasonable suspicion" exists that a student has violated this paragraph, the student may be tested for evidence of the potential violation. If the student refuses to cooperate with the testing, then the consequences of violating this paragraph will attach and apply to the student.
  - d) Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony. (School-related felony offenses are addressed in the expulsion section in this Student Code of Conduct.). Students are advised that if "reasonable suspicion" exists that a student has violated this paragraph, the student may be tested for evidence of the potential violation, including, but not limited to, a "breathalyzer test." If the student refuses

to cooperate with the testing, then the consequences of violating this paragraph will attach and apply to the student.

- e) Behaves in a manner that contains the elements of an offense related to an abusable volatile chemical under sections 485.031 through 485.034 of the Texas Health and Safety Code.
  - f) Engages in conduct that contains the elements of the offense of public lewdness under Section 21.07 of the Penal Code, or indecent exposure as defined in Section 21.08 of the Penal Code.
  - g) Engages in conduct that contains the elements of an offense of harassment against an employee under Penal Code 42.07(a)(1), (2), (3), or (7).
- 3. Engages in expellable conduct and is between six and nine years of age.
  - 4. Commits a federal firearms violation and is younger than six years of age.
  - 5. Possesses, promotes, or accesses with an intent to view, visual material that depicts lewd exhibition of the genital or pubic area of a child, appeals to a prurient interest in sex, and has no serious literary, artistic, political or scientific value. "Promote" means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit, or advertise or to offer or agree to do any of the above. *TEC § 37.006(a)(2)(A); TPC § 43.262.*
  - 6. Engages in sexual harassment (including gender-based harassment or sexual abuse), defined as any unwanted physical, verbal, or visual sexual advances; requests for sexual favors; and other sexually-oriented conduct, which is offensive or objectionable to the recipient, including, but not limited to: epithets; derogatory or suggestive comments, slurs, or gestures; and offensive posters, cartoons, pictures, or drawings.
  - 7. Engages in dating violence. Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person in the relationship. *TEC Sec. 37.0831(b)(2).*
  - 8. Except as provide above under "Discretionary Expulsion" (TEC § 37.007(d)), engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property as defined in Section 36.06 of the Penal Code.
  - 9. Willfully engages in disruptive activity or disrupts a lawful assembly on the campus or district property. A lawful assembly or school-related activity is disrupted when any person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur.
  - 10. Engages in conduct that includes the elements of false alarm or report under Section 42.06 of the Penal Code.
  - 11. Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 (see glossary) of the Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
    - a) The student receives deferred prosecution (see glossary),
    - b) A court or jury finds that the student has engaged in delinquent conduct (see glossary), or
    - c) The superintendent or designee has a reasonable belief (see glossary) that the student engaged in the conduct.

## **DISCRETIONARY REMOVAL TO AN ALTERNATIVE EDUCATION PROGRAM**

The Board, the Board's designee or any appropriate administrator may place a student in an Alternative Education Program who is found to have been:

1. Involved in gang activity, including participating as a member of pledge, or soliciting another person to become a pledge or member of a gang;
2. Engaging in conduct that contains the elements of the offense of assault under Section 22.01(a)(2) or (a)(3) of the Penal Code;
3. Engaging in conduct related to placing graffiti on school property;
4. Engaging in "bullying" that encourages a student to commit or attempt to commit suicide; inciting violence against a student through group bullying; or releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent. A student is also subject to discipline under this section if the bullying occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity (*TEC §§ 37.0832, 37.0052*);
5. A student may also be removed from class and placed in an alternative education program based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school related activity if it constitutes cyberbullying that: (A) interferes with a student's educational opportunities; or (B) substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.
6. A student may also be removed from class and placed in an alternative education program based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school related activity if:
  - a. the Superintendent or the Superintendent's designee has a reasonable belief that the student has engaged in conduct defined as a felony offense other than those defined in Title 5, Penal Code, listed above; and
  - b. the continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense by the Penal Code, the Superintendent or the Superintendent's designee may consider all available information, including the information furnished under Article 15.27, Code of Criminal Procedure.

**Consequence(s):** Students guilty of Critical/Serious Discipline Offenses shall or may be removed to the Disciplinary Alternative Education Center or to another Alternative Education Program. The length of removal will depend on the offense and the circumstances under which it was committed. The duration of a student's placed shall be based on the seriousness of the offense, the student's age and grade level, the frequency of the misconduct, the student's attitude, and statutory requirements. Students placed in a Disciplinary Alternative Education Program shall not attend or participate in any school sponsored or school related activity. Students guilty of a second Critical/Serious Offense

or other violation(s) of the Student Code of Conduct while assigned to the Alternative Education Center or other Alternative Education Program may be expelled. A campus behavior coordinator or other appropriate administrator may remove a student to a disciplinary alternative education program for off-campus conduct for which removal is required under this section even if the campus behavior coordinator or other appropriate administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

Students must complete the assigned alternative education program before returning to the sending campus.

**C. Class C Offenses: Significant Offenses**

1. Possessing or using drug paraphernalia, as drug paraphernalia is defined by the Texas Controlled Substances Act (Article 4476 15, Vernon's Texas Civil Statutes).
2. Selling, distributing, possessing, or using substances or items portrayed as being drugs (without regard to amount), drug paraphernalia or alcohol. Students are advised that if "reasonable suspicion" exists that a student has violated this paragraph, the student may be tested for evidence of the potential violation. If the student refuses to cooperate with the testing, then the consequences of violating this paragraph will attach and apply to the student.
3. Using or possessing any instrument including, but not limited to, any weapon, knife, or gun which does not fit the Penal Code definition under Most Serious Offenses (example: pocket knife or fake gun), fireworks, ammunition, and instruments of the martial arts that might reasonably cause bodily harm, but has not been used as threat of bodily harm.
4. Engaging in conduct that contains the elements of the offense of assault as defined in Section 22.01 (a)(2) or (a)(3), Penal Code.
5. Extorting or attempting extortion through use of threat or force.
6. Committing theft, robbery or burglary or attempting to commit such act(s).
7. Committing sexual acts that do not qualify as public lewdness or indecent exposure.
8. Tampering with, changing or altering records or documents of the District by any method including, but not limited to, computer access or other electronic means.
9. Damaging and/or destroying and/or altering school computer hardware and/or software by any method including, but not limited to, the use of computer software viruses or other electronic means.
10. Planning and/or organizing and/or instigating and/or participating in an activity that causes substantial disruption of the education program including, but not limited to, gang/cult activity.
11. Vandalizing property including, but not limited to, the use of computer software viruses or other electronic means.
12. Use or possession of substances/objects readily capable of causing bodily harm and/or ~~property~~ property damage (matches, lighters, firecrackers, gasoline, lighter fluid, fire extinguisher, stink bomb).
13. Making a transient threat: a threat that communicates an intent to harm others or damage property, although is determined to not be substantive.
14. Fighting or otherwise exhibiting unacceptable physical contact.

15. Sexual harassment or dating violence.
16. Exhibiting serious or persistent misbehavior (see Glossary).
17. Use of computers or computer software or the Internet to obtain, view, download or possess pornography or obscene or inappropriate pictures, video, documents, audio, or other electronic information or to participate in non-school related chat room discussions over the Internet.
18. Disruptive activity including, but not limited to, interfering with the movement of people in an exit, an entrance, or a hallway of a District building without authorization of an administrator; interfering with an authorized activity by seizing control of all or part of a building; using force, violence or threats to prevent participation in an authorized assembly; using force, violence or threats to cause disruption during an assembly; interfering with the transportation of students in District vehicles.
19. Making hit lists.
20. Hazing: any willful act done by a student either individually or with others to another student for the purpose of subjecting the other student to indignity, humiliation, intimidation, physical abuse, or threats of abuse, social ostracism, shame, or disgrace. No student shall engage in any form of hazing, nor shall any student encourage or assist any other person in hazing. Students shall have prior written approval from the principal for any type of "initiation rites" of a school club or organization.

~~—Use, possession, or distribution of tobacco products, including but not limited to cigarettes, vapor cigarettes, electronic cigarettes (including any component, part, or accessory for an e-cigarette device), cigars, pipes, snuff, or chewing tobacco-~~  
20-21.

**Consequence(s):**

**Students guilty of Significant Discipline Offenses:**

1. May be suspended (maximum three days per offense) and/or assigned to in-building suspension (IBS) ~~for more than 10 days~~ and up to the remainder of the school year unless the misconduct occurred during the last six weeks of the school year, in which case the student may be placed in IBS at the beginning of the next school year.
2. Students guilty of Significant Discipline Offenses may also be assigned to the Alternative Education Program.
3. A second Significant Discipline Offense or succeeding violations of the student code of conduct may lead to expulsion.

**D. Class D Offenses: Other Offenses**

- ~~1. Use, possession, or distribution of tobacco products, including but not limited to cigarettes, vapor cigarettes, electronic cigarettes (including any component, part, or accessory for an e-cigarette device), cigars, pipes, snuff, or chewing tobacco.~~
- 2-1. Disruption of school activities including, but not limited to, boycotts or sit ins and the posting or distribution of unauthorized communicative materials.

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- ~~3-2.~~ Lying or giving of false information either verbally or in writing to a school staff member.
- ~~4-3.~~ Defiance/disrespect of authority of the teacher, principal, bus driver, supervisor, or other.
- ~~5-4.~~ Directing profanity, vulgar language, obscene gestures or verbal abuse (name calling, ethnic/racial slurs) towards other students or school personnel.
- ~~6-5.~~ Gambling.
- ~~7-6.~~ Tardiness or truancy.
- ~~8-7.~~ Littering of school grounds.
- ~~9-8.~~ Trespassing or loitering in unauthorized areas.
- ~~10-9.~~ Inappropriate use of a telecommunications/electronic device.
- ~~11-10.~~ Dress/grooming code violations.
- ~~12-11.~~ Failure to abide by rules and regulations at extracurricular and/or co-curricular activities (including but not limited to fighting, running, throwing objects from stands, etc.).
- ~~13-12.~~ Failure to comply with the reasonable request(s) of any school staff member, including failure to identify self upon request.
- ~~14-13.~~ Selling or soliciting for sale any merchandise on the school campus without the authorization of the school authorities.
- ~~15-14.~~ Behavior symptomatic of or associated with gangs or cults, or participating in illegal campus organizations (i.e., fraternity, sorority, or secret society).
- ~~16-15.~~ Chewing gum, eating, drinking in unauthorized areas.
- ~~17-16.~~ Running or making excessive noise in the halls.
- ~~18-17.~~ Unauthorized or disruptive behavior in classrooms, hallways and campus walkways.
- ~~19-18.~~ Coming to class without necessary supplies (i.e., paper, pen, book, gym clothes, homework).
- ~~20-19.~~ Parking or bike-riding or skateboarding violations.
- ~~21-20.~~ Possession of video games, radios, portable CD players, portable cassette players, portable DVD players, etc.
- ~~22-21.~~ Inappropriate public display of affection.
- ~~23-22.~~ Cheating (giving or receiving answer) or copying the work of another student.
- ~~24-23.~~ Violation of the District Internet Use policy.
- ~~25-24.~~ Possession or use of laser pointers or similar device. Laser pointers will be confiscated.

***Consequence(s):***

**Students guilty of:**

1. **A first Class D Offense** may receive any of the discipline management techniques, appropriate for the situation as determined by the school administrator including, but not limited to, the following:
  - a) Conference: teacher, student, counselor, parent or ~~administrator~~ administrator (as appropriate), including verbal and/or non verbal correction or warning
  - b) Temporary confiscation of items that disrupt the education process



- c) "Time out" or "Cooling off" period
- d) Assignment to teacher detention
- e) Contact with parent/guardian
- f) Withdrawal of privileges including, but not limited to, ~~extra-curricular~~extra-curricular activities, and honorary positions)
- g) Assigned school duties other than class tasks
- h) Restitution or restoration, as applicable
- i) Lunch detention
- j) Referral to Administrator, school auxiliary staff, social worker, outside professional, or outside agency
- k) Removal to an alternative education program
- l) Assignment to in school suspension program
- m) Confiscation and forfeiture of property to school district
- n) Corporal punishment (is permitted in order to preserve an effective educational environment, free from disruption, unless the student's parent or guardian has provided a signed statement prohibiting its use.)

**2. A second Class D Offense:**

- a) May result in suspension (maximum three days per offense)
- b) An additional assignment to in building suspension up to the remainder of the semester, unless the misconduct occurred during the last six-weeks of the semester, in which case the student may be considered for assignment to an in building suspension until the end of the following semester.

**3. Multiple Class D Offenses** may result in assignment to the Alternative Education Program or expulsion.

## OTHER VIOLATIONS

In addition to the specific offenses proscribed by the Code of Conduct, students are prohibited from other acts of misbehavior such as, but not limited to, the following:

- 1. Cheating (giving or receiving answers) or copying the work of another student
- 2. Throwing objects that can cause bodily injury or damage property
- 3. Leaving school grounds when not permitted to do so
- 4. Directing profanity, vulgar language or using obscene gestures towards students or school personnel
- 5. Substantially interfering with classes or school activities, i.e. through boycotts, sit ins, or trespassing
- 6. Failing to comply with lawful directives issued by school personnel and/or school policies, rules and/or regulations
- 7. Committing robbery, theft, or arson
- 8. Engaging in misconduct, as defined by school district policies or regulations, on school buses
- 9. Fighting
- 10. Hazing
- 11. Damaging or vandalizing property owned by others

12. Defacing or damaging school property – including textbooks, furniture, and other equipment – with graffiti or by other means
13. Discharging a fire extinguisher without valid cause
14. Inappropriately pulling a fire alarm
15. Possessing or using:
  - a) fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device
  - b) razors, switchblades, box cutters, chains, or any other object used in a way that threatens or inflicts bodily injury to another person
  - c) a “look-alike” weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon
  - d) air guns, BB guns, or stun guns
  - e) Ammunition
  - f) A hand instrument designed to cut or stab another by being thrown
  - g) knuckles
  - h) a club
  - i) a pocket knife or other small knife
  - j) mace or pepper spray
  - k) A firearm
  - l) an improvised explosive device
  - m) Tobacco products; cigarettes; e-cigarettes; and any component, part, or accessory for an e-cigarette device
  - n) matches or a lighter
  - o) published or electronic material that is designed to promote or encourage illegal behavior or could threaten school safety
  - p) pornographic material
  - q) a laser pointer for other than an approved use
  - r) articles not generally considered to be weapons, including school supplies, when the principal or other campus administrator determines that a danger exists
16. Gambling
17. Making bomb threats
18. Making false threats, hoaxes or accusations regarding school safety
19. Committing extortion, coercion, blackmail, i.e. obtaining money or other objects of value from an unwilling person, or forcing an individual to act through the use of force or threat of force
20. Engaging in verbal abuse, i.e. name calling, ethnic or racial slurs, or derogatory statements addressed publicly to others which may precipitate substantial disruption of the school program or incite violence
21. Engaging in inappropriate sexual contact disruptive to other students or the school environment
22. Engaging in any other conduct that disrupts the school environment or education process and that meets the criteria for serious or persistent misbehavior (see Glossary)
23. Engaging in any conduct punishable as felony, on or off school property
24. Engaging in conduct that constitutes sexual harassment or sexual abuse whether the conduct is by work, gesture, or any other sexual conduct, including requests for sexual favors
25. Inappropriate or indecent exposure of a student’s private body parts

26. Possessing, selling, using or abusing look-alike drugs or items attempted to be passed off as drugs and contraband
27. Possessing or selling seeds or pieces of marijuana in less than a usable amount
28. Possessing, using, giving, or selling paraphernalia related to any prohibited substance
29. Abusing the student's own prescription drug, giving a prescription drug to another student, or possessing or being under the influence of another person's prescription drug on school property or at a school-related event.
30. Abusing over-the-counter drugs.
31. Being under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties
32. Having or taking prescription drugs or over-the-counter drugs at school other than provided by District policy
33. Violating computer or internet use policies, rules, or agreements signed by the student, and/or agreement signed by the student's parent or guardian
34. Attempting to access or circumvent passwords or other security-related information of the District, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment
35. Attempting to alter, destroy, or disable District computer equipment, District data, the data of others, or other networks connected to the District's system, including off school property if the conduct causes a substantial disruption to the educational environment
36. Using the Internet or other electronic communications to threaten District students, employees, board members or volunteers, including off school property if the conduct causes a substantial disruption to the educational program
37. Attempting to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment
38. Sending or posting messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including off school property if the conduct causes a substantial disruption to the educational environment
39. Engaging in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, or school property
40. Falsifying records, passes, or other school-related documents
41. Violating dress and grooming standards as communicated in the student handbook
42. Violating extracurricular standards of behavior
43. Repeatedly violating other communicated campus or classroom standards of behavior
44. School officials may also prohibit by policy other conduct which is likely to result in substantial disorder or invasion of the rights of others

Consequences for the aforementioned misbehavior include up to any of those outlined in this Student Code of Conduct including, within the discretion of the campus discipline personnel/campus behavior coordinator, assignment to a disciplinary alternative education program or expulsion.

The District may impose campus or classroom rules in addition to those found in the Code. These rules may be posted in classrooms or given to the student and may or may not constitute violations of the Code.

## PROHIBITED AVERSIVE TECHNIQUES

Aversive techniques are prohibited for use with students and are defined as techniques or interventions intended to reduce the reoccurrence of a behavior by intentionally inflicting significant physical or emotional discomfort or pain. Aversive techniques include:

1. Using techniques designed or likely to cause physical pain, other than corporal punishment as permitted by district policy. [See policy FO (LOCAL).]
2. Using techniques designed or likely to cause physical pain by electric shock or any procedure involving pressure points or joint locks.
3. Directed release of noxious, toxic, or unpleasant spray, mist, or substance near a student's face.
4. Denying adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility.
5. Ridiculing or demeaning a student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse.
6. Employing a device, material, or object that immobilizes all four of a student's extremities, including prone or supine floor restraint.
7. Impairing the student's breathing, including applying pressure to the student's torso or neck or placing something in, on, or over the student's mouth or nose or covering the student's face.
8. Restricting the student's circulation.
9. Securing the student to a stationary object while the student is standing or sitting.
10. Inhibiting, reducing, or hindering the student's ability to communicate.
11. Using chemical restraints.
12. Using time-out in a manner that prevents the student from being able to be involved in and progress appropriately in the required curriculum or any applicable individualized education program (IEP) goals, including isolating the student by the use of physical barriers.
13. Depriving the student of one or more of the student's senses, unless the technique does not cause the student discomfort or complies with the student's IEP or behavior intervention plan (BIP).

## PROHIBITED CONDUCT

### A. Assaults and Aggravated Assaults

Students are prohibited from assaulting anyone on school property, within 300 feet of school property or at any school related event or activity. *TEC Sec. 37.006(a)(2)(B); Penal Code 22.01.*

### B. Audio Recording

Using any device or technology to record the voice of another in any way that disrupts the educational environment, invades the privacy of others, or records without the prior consent of the individual is prohibited.

### C. Bicycle/Skateboards/Rollerblades/Scooters/Wheelies

Students who ride bicycles/scooters or walk to/from school must obey all traffic laws, crossing guards, and other adults. Students must walk bicycles/scooters while on campus. Bicycles and scooters should be secured with a lock at the bike racks. Under no circumstances should these be brought inside the school building. Students who ride bicycles that are parked in places not designated for bicycle parking, are ridden during the school day, or are ridden on sidewalks are subject to disciplinary action. Schools are not responsible for lost or stolen bicycles or scooters. Skateboards, scooters, roller blades, skates, and wheelies are prohibited from use at all times on all Bellville ISD campuses.

#### **D. Bullying and Cyber-Bullying**

Bullying and Cyber-bullying is prohibited and subject to disciplinary consequences in accordance with this *Student Code of Conduct* if the conduct:

1. occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
2. occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; **or**
3. occurs off school property or outside of a school-sponsored or school-related activity if it constitutes cyberbullying that: (A) interferes with a student's educational opportunities; or (B) substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity. *TEC Sec. 37.0832, TEC Sec. 37.0052.*

In addition to any disciplinary action, phones and other communication devices may be confiscated and/or searched and students should be aware that any images suspected to violate criminal laws will be referred to law enforcement authorities.

#### **E. Dating Violence and Sexual Harassment**

The District believes that every student has the right to attend school and school-related activities free from all forms of discrimination on the basis of sex, including sexual harassment. The District considers sexual harassment of students to be serious and will consider the full range of discipline options up to and including placement in the District's DAEP, according to the nature of the offense.

Sexual harassment is defined as any unwanted physical, verbal, or visual sexual advances, requests for sexual favors, or other sexually-oriented conduct, which is offensive or objectionable to the recipient, including, but not limited to: epithets; derogatory or suggestive comments, slurs, or gestures; and offensive posters, cartoons, pictures, or drawings.

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense, as defined by Section 71.0021 of the Family Code.

All students are expected:

1. to treat one another courteously, with respect for the other person's feelings;
2. to avoid any behaviors known to be offensive; and
3. to stop these behaviors when asked or told to stop.

F. **Harassment**

Engaging in harassing behavior, including conduct that threatens to cause harm or bodily injury to another student, subjects another student to physical confinement or restraint, or maliciously and substantially harms another student's physical or emotional health or safety is strictly prohibited.

G. **Hazing**

Hazing (see glossary) is prohibited by students on or off campus.

Students shall have prior approval from the Principal or designee for any type of "initiation rites" of a school club or organization.

H. **Hit list**

Making hit lists (verbal or written) is prohibited by students on or off campus.

Hit list means a list of people targeted to be harmed using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

I. **Sexual Harassment/Sexual Abuse/Gender-Based Harassment**

Students shall not engage in conduct that constitutes sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including a district student, employee, board member, or volunteer. Any unwanted and unwelcome verbal or physical contact of a sexual nature directed toward another student, a district employee, volunteer or board member is strictly prohibited. All students are expected to treat other students, district employees, volunteers and board members with courtesy and respect; to avoid any behaviors known to be offensive; and to stop these behaviors when asked or told to stop. Any student violation of this paragraph will result in appropriate disciplinary action.

J. **Terroristic Threat**

Terroristic threat is defined in the Penal Code, § 22.07 as threatening to commit any offense involving violence to any person or property with intent to

1. cause a reaction of any type to the threat by an official or volunteer agency organized to deal with emergencies;
2. place any person in fear of imminent serious bodily injury;

3. prevent or interrupt the occupation or use of a building; room, place of assembly, or place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;
4. cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service;
5. place the public or a substantial group of the public in fear of serious bodily injury; or
6. influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the District).

## **PUBLICATIONS**

The distribution of the school newspaper, yearbook, and similar publications is encouraged on a school campus. In addition to school sponsored publications, students are entitled to express in writing their opinions and may distribute handwritten, duplicated, or printed material on school premises or at school sponsored activities at other locations in accordance with the following conditions:

1. The distribution of the following is prohibited on the grounds of any school or any school building or at any school sponsored activity at other locations:
  - a) Material consisting wholly or primarily of commercial advertising
  - b) Materials which are obscene, vulgar, or otherwise inappropriate for the age and maturity of the audience
  - c) Materials that violate the intellectual property rights, privacy rights, or other rights of another person
  - d) Materials containing defamatory statements about public figures or others
  - e) Materials which endorse actions endangering the health or safety of students
  - f) Material advocating illegal action or disobedience to the published Code of Student Conduct
  - g) Hate literature or similar publications that scurrilously attack ethnic, religious, or racial groups or contain content aimed at creating hostility and violence; and the materials would materially and substantially interfere with school activities or the rights of others
  - h) Any other material if the Principal has convincing and credible evidence that the distribution of the written material will:
    - i. materially and substantially interferes with school activities;
    - ii. materially and substantially interferes with the rights of other students or teachers; or
    - iii. the District can demonstrate reasonable cause to believe that the expression would engender such material and substantial interference.
2. The distribution of other material shall be in accordance with School Board Policies FMA and FNAA and campus rules and regulations.

The District's educators shall exercise editorial control over style and content of student speech in school-sponsored expressive activities so long as their actions are reasonably related to legitimate pedagogical concerns.

## **PURPOSE**

The Student Code of Conduct (“Code”) is the district’s response to the requirements of Chapter 37 of the Texas Education Code.

The Code provides methods and options for managing students in the classroom and on school grounds, disciplining students, and preventing and intervening in student discipline problems.

The law requires the district to define misconduct that may – or must – result in a range of specific disciplinary consequences including removal from a regular classroom or campus, out-of-school suspension, placement in a disciplinary alternative education program (DAEP), placement in a juvenile justice alternative education program (JJAEP), or expulsion from school.

Students are expected to follow the rules and regulations established by the school district, the school, and the classroom teacher. Students are expected to conduct themselves in a manner that is neither disruptive nor disrespectful and which does not violate the rights of others. This means that the student should become familiar with and observe the laws, policies, rules, and regulations that concern student conduct. In general, the student is expected to behave in a manner that permits uninterrupted learning to take place. Students are expected to cooperate with and assist the school staff in maintaining safety, order, and discipline.

Because the Student Code of Conduct is adopted by the District’s Board of Trustees, it has the force of policy; therefore, in case of conflict between the Code and the Student Handbook, the Code will prevail. This Code remains in effect for the entire 2019-2020 school year, during summer school and at all school-related events and activities outside of the school year until an updated version adopted by the Board becomes effective for the next school year. A copy of this Code is available at each campus and the District’s Web site: <http://www.bellvilleisd.org>.

**Please Note:** The discipline of students with disabilities who are eligible for services under federal law (Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973) is subject to the provisions of those laws.

## **REPORTING PROHIBITED CONDUCT**

Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a teacher, school counselor, principal, or the District’s Title IX coordinator for students. [See Policy FFH (LOCAL); TEC Sec. 37.083.] After a report of bullying is made, the principal, principal’s designee, or Title IX coordinator must provide notice to (1) the parent of the alleged victim by the 3rd business day after the incident is reported; and (2) the alleged bully with a reasonable time. [See Policy FFI (LOCAL).] Reports of bullying may be submitted anonymously, verbally, and/or in writing. However, the principal or designated administrator shall document the allegations in writing and record the dates and circumstance of the interview.

The District does not have jurisdiction over other situations occurring in the community even though an incident may involve students (including technology-related communications – such as emails, texting, Facebook or other social media, messages, etc. – containing threats, bullying, and/or harassment) unless there is a direct impact to the school setting. District personnel may, however, conference with students regarding inappropriate behavior and effective ways to resolve conflict.



After a report of prohibited conduct is made, a conference will be scheduled and held as soon as possible within seven days of the request. The principal, principal's designee, or Title IX coordinator that investigates the complaint will complete the investigation of the complaint within ten school days. The student or parent will be informed if extenuating circumstances delay completion of the investigation. The student will not be required to present a complaint to a person who is the subject of the complaint. See Policy FFI (LOCAL).

To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.

If the results of an investigation indicate that bullying has occurred, the administration will take appropriate disciplinary action. Disciplinary or other action may be taken even if the conduct did not rise to the level of bullying. However, the Family Education Rights and Privacy Act (FERPA) prohibits the District from disclosing to anyone other than the student's parent or guardian what disciplinary actions, if any, have been taken against the student who engaged in bullying.

If upon completion of the investigation the principal or designated administrator determines that the alleged incident does not rise to the level of bullying, the District will proceed in accordance with the Student Code of Conduct in deciding what, if any, discipline should be assessed other than documented prohibited conduct. A parent or adult student (a student over 18 years old) who is dissatisfied with the outcome of the investigation may appeal through Board Policy FNG (LOCAL), beginning at the appropriate level.

## **RESPECT FOR PERSONS AND PROPERTY**

Students shall not vandalize or otherwise damage, deface, or remove any property, including furniture and other equipment, belonging to or used by the district, district schools, or district employees or volunteers. Parents or guardians of students guilty of damaging such property shall be notified of the damage and shall be liable for damages in accordance with the law. Students shall be responsible for the care and return of owned and district owned textbooks and other materials/equipment and may be charged for the replacement of lost/damaged items.

## **RIGHTS AND RESPONSIBILITIES**

### **A. Students**

All students are entitled to the basic citizenship rights recognized and protected by law for persons of their age and maturity. Bellville Independent School District schools shall foster a climate of mutual respect for the rights of others. Each student is expected to respect the rights and privileges of other students, of teachers, and of other district staff and comply with rules established for the orderly conduct of education.

Student responsibilities for achieving a positive learning environment shall include, but are not limited to, the following:

1. Demonstrate courtesy, even when others do not.
2. Behave in a responsible manner, always exercising self-discipline.

3. Attend all classes, regularly and on time.
4. Prepare for each class; take appropriate materials and assignments to class.
5. Account for his or her own work.
6. Dress in a neat, clean, and well groomed manner in accordance with the District's established dress code and policies.
7. Cooperate with and assist the school staff in maintaining safety, order, and discipline.
8. Respect the property of others, including District property and facilities.
9. Seek help from school personnel when having school or personal problems.
10. Cooperate with staff in investigation of disciplinary cases by providing accurate information when the student has knowledge relating to any offense.
11. Avoid loitering on the school campus before or after school.
12. Identify himself/herself to school personnel when asked.
13. Refrain from any form of criminal activity.
14. Obey all campus and classroom rules.
15. Adhere to the requirements of the Student Code of Conduct.

#### **B. Parents**

Parent responsibilities for contributing to the educational process shall include, but are not limited to, the following:

1. Establish and maintain, in the home, a positive attitude toward education.
2. Show an active interest in the child's schoolwork and progress through regular communication with the school.
3. Assist the child with dressing in a neat, clean, well groomed manner in accordance with the District's established dress code policies.
4. Keep the school informed of changes of address and phone number.
5. Send the child to the school serving the family's residence.
6. Ensure the child's regular daily attendance.
7. Keep the child out of school when the child is obviously ill.
8. Arrange for the child to get to school on time with needed materials and leave campus on time.
9. Report and explain any absence and tardy to the school promptly and in writing within 5 days of the date of absence.
10. Cooperate with school personnel when the child is involved in a disciplinary matter.
11. Cooperate with school personnel in the maintenance of the child's physical and emotional health.
12. Make every effort to provide for the physical needs of the child.
13. Encourage and lead the child to develop proper study habits at home.
14. Keep informed of school policies and academic requirements of school programs.
15. Bring to the attention of school authorities any learning problem or condition that may relate to his or her child's education.
16. Be sure the child attends school tutorials as the need arises.
17. Notify the teacher(s) if the child is unable to receive help at home.
18. Submit a signed statement that he or she understands and consents to the responsibilities outlined in this plan.

19. Control his or her child. Under Family Code § 33.01, a student's parent is legally liable for property damage proximately caused by a) the negligent conduct of the student if such conduct is reasonably attributable to the negligent failure of the parent to exercise that duty, or b) the willful or malicious conduct of a student who is at least 12 but under 18 years of age.
20. Review and encourage the child to adhere to the procedures set forth in District policies and this code.

Parent rights include, but are not limited to, the following:

1. Petition the board of trustees about the designation of the child's assigned school.
2. Have reasonable access to the school principal or a designated administrator to request reassignment or change of class or teacher.
3. Have the right to request that the parent's child participate in graduation ceremonies earlier than the child would normally graduate, if the child completes all courses required for graduation and if the child has not inappropriately violated the Student Code of Conduct.
4. Have the right to request that a child be permitted to attend a class for credit above the child's grade level unless the board or Superintendent's designated representative expects that the child cannot perform satisfactorily in the class.
5. Access to all written records concerning the parent's child as allowed by law.
6. Access to a copy of each state assessment instrument as allowed by law.
7. Review of all teaching materials, textbooks and other teaching aids used in the classroom of the parent's child, including each test administered after its administration as allowed by law.
8. Access to any board of trustees meeting, except a closed meeting.
9. Provide written consent for the district to conduct psychological examinations, tests, or treatment, unless required under Section 38.004.
10. Remove the parent's child temporarily from a class or other school activity that conflicts with the parent's religious or moral belief if the parent presents a written statement authorizing the removal as allowed by law. The parent may not remove a student to avoid the student's taking a test or to prevent the child from taking a subject for an entire semester.
11. Notification of any conduct violation that may result in a student being suspended, placed in a DAEP or JJAEP, or expelled, or taken into custody by a law enforcement officer under Chapter 37 of the Education Code.
12. Throughout this Code of Conduct and related discipline policies, the term "parent" includes a parent, legal guardian, or other person having lawful control of the child.

#### **C. Teachers**

Teacher responsibilities for achieving a positive learning environment shall include, but are not limited to, the following:

1. Prepare and implement lesson plans and learning activities, which provide an effective education program for each student.
2. Participate in the development of a campus discipline management plan that supports the District's Code of Conduct.

3. Review the Student Code of Conduct.
4. Communicate with students and parents about poor academic and/or conduct behavior.
5. Enforce school rules on campus and at all school sponsored activities.
6. Maintain an orderly classroom.
7. Address discipline problems consistently, reasonably, fairly, and patiently.
8. Ensure good student discipline by being in regular attendance and on time.
9. Ensure student safety by providing direct supervision of classrooms and hallways as appropriate.
10. Establish communication and an effective working relationship with parents, students, and other staff members.
11. Help students to strive toward appropriate self-discipline.
12. Serve as an appropriate role model for students.
13. Report suspected child abuse.
14. Maintain records and, in a timely manner, complete any and all appropriate documentation related to student discipline.
15. Adhere to the procedures set forth in the District policies and this Code.

Teacher rights include, but are not limited to, the following:

1. Send a student to the principal's office to maintain effective discipline in the classroom.
2. Remove a student from class who interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn as allowed by law.
3. Remove a student from class whose behavior is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn as allowed by law.
4. Perform instructional and supervision duties without verbal or physical abuse or threats.

#### **D. Administrators**

Administrator responsibilities for achieving a positive learning environment shall include, but are not limited to, the following:

1. Plan a flexible curriculum and activities to meet the needs of all students and provide the resources necessary to implement those plans.
2. Implement policies, rules, and regulations to facilitate the establishment and maintenance of an atmosphere conducive to good behavior and teaming.
3. Ensure an effective instructional program for all students.
4. Establish guidelines for student discipline.
5. Attempt to solve school related problems or conflicts of students, staff, parents, and community.
6. Develop and maintain a plan to provide for the safety and welfare of students and faculty.
7. Develop and maintain communication with students and parents, including participation in required parent teacher conferences.
8. Ensure that the rights of students are protected.

9. Respond to discipline problems referred to him or her.
10. Provide appropriate assistance to students in learning appropriate discipline.
11. Assume responsibility and instructional leadership for discipline and for evaluation of the discipline management plan.
12. Serve as an appropriate role model for students.
13. Report suspected child abuse.
14. Adhere to the procedures set forth in District policies and this code.

**E. Board of Trustees**

Board of Trustees responsibilities for achieving a positive learning environment shall include but are not limited to the following:

1. Enact policies, rules, and regulations to facilitate the establishment and maintenance of an atmosphere conducive to good behavior and learning.
2. Provide the necessary trained and dedicated leadership and personnel to assure quality education for every student.
3. Provide the necessary equipment, materials, and other fiscal support to assure quality education for every student.

**SAFETY**

Student safety on campus and at school-related events is a high priority of the District. Although the District has implemented safety procedures, the cooperation of students is essential to ensure school safety. A student is expected to:

1. Avoid conduct that is likely to put the student or other students at risk.
2. Follow the behavioral standards in this booklet, as well as any additional rules for behavior and safety set by the principal, teachers, or bus drivers.
3. Remain alert to and promptly report to a teacher or the principal safety hazards, such as intruders on campus and threats made by any person toward a student or staff member.
4. Know emergency evacuation routes and signals.
5. Follow immediately the instructions of teachers, bus drivers, and other District employees who are overseeing the welfare of students.

**SCHOLASTIC PENALTIES**

A student removed from his or her regular classes for any reason other than expulsion will receive an excused absence and allowed to make up assignments if course work is completed within a time designated by the school administration. No academic penalty will be assessed based solely on disciplinary infractions except for the following:

1. Truancy
2. Cheating

Upon return to school, the student who receives an unexcused absence shall request missing assignments from each teacher. Work completed and returned within the time designated by the teacher(s) will be accepted with a maximum grade of 90.

Pending the exhaustion of the appeals process, students who meet the campus requirements for requesting, completing, and returning assignments will be allowed to remain current on all course work. Students with disabilities under the IDEA will receive educational services during expulsion as determined by the Admission, Review, and Dismissal (ARD) committee.

## **SCHOOL DISTRICT AUTHORITY AND JURISDICTION**

School rules and the authority of the district to administer discipline apply whenever the interest of the district is involved, on or off school grounds, in conjunction with or independent of classes and school-sponsored activities.

### **A. The District has disciplinary authority over a student**

1. During the regular school day and while going to and from school or a school-sponsored or school-related activity on district transportation;
2. During lunch periods in which a student is allowed to leave campus;
3. While the student is in attendance at any school-sponsored or school-related activity, regardless of time or location;
4. For any school-related misconduct, regardless of time or location;
5. When retaliation against a school employee, Board member, or volunteer occurs or is threatened, regardless of time or location;
6. When a student engages in cyberbullying, as provided by Education Code 37.0832;
7. When criminal mischief is committed on or off school property or at a school-related event;
8. For certain offenses within 300 feet of school property as measured from any point on the school's property boundary line;
9. For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
10. When the student commits a felony, as provided by Texas Education Code 37.006 or 37.0081, or a student is required to register as a sex offender; and
11. When the student is required to register as a sex offender.

### **B. This Code of Conduct is based on several premises**

1. Certain student behaviors are appropriate because they facilitate effective teaching and learning; other behaviors are inappropriate because they interfere with effective teaching and learning.
2. It is reasonable to expect students to behave appropriately and for the school personnel to take measures to prevent students from behaving inappropriately.
3. It is to the advantage of the student to behave appropriately; it is more rewarding for the student and more productive for the school.
4. It is recognized that most students do behave appropriately.
5. Those students who behave inappropriately should be penalized for inappropriate actions, subject to applicable laws and policies.
6. The discipline techniques outlined in this Code may be used for prevention/intervention to change inappropriate student behaviors and to promote positive student behaviors or as part of progressive interventions to address behavior.

7. The use of illicit drugs and unlawful possession and use of alcohol is wrong and harmful. The unlawful possession or use of illicit drugs or alcohol is wrong and harmful.

**C. The Code of Student Conduct describes the behavior that is expected of students**

**SEARCHES**

District officials may conduct searches of students, their belongings, and their vehicles in accordance with state and federal law and district policy. Searches of students shall be conducted in a reasonable and nondiscriminatory manner. Refer to the district's policies at FNF (Legal) and FNF (Local) for more information regarding investigations and searches.

The district has the right to search a vehicle driven to school by a student and parked on school property whenever there is reasonable suspicion to believe it contains articles or materials prohibited by the district. If a vehicle subject to search is locked, the student shall be asked to unlock the vehicle. If the student refuses, the District shall contact the student's parents. If the parents also refuse to permit the vehicle to be searched, the District may contact local law enforcement officials and turn the matter over to them. The District may, in certain circumstances, contact law enforcement even if permission to search is granted.

Desks, lockers, district-provided technology, and similar items are the property of the district and are provided for student use as a matter of convenience. District property is subject to search or inspection at any time without notice.

In limited circumstances and in accordance with applicable law, a student's personal telecommunication device may be searched by authorized personnel if there is reason to suspect that the device contains evidence of wrongdoing.

**SECRET SOCIETIES**

**Policy FNCC (LEGAL)**

A student is prohibited from being a member of, pledging to become a member of, joining, or soliciting another person to join or pledge to become a member of a public school fraternity, sorority, secret society, or gang. An offense under this section is a Class C misdemeanor.

A person commits a felony if the person, with intent to coerce, induce, or solicit a child to actively participate in the activities of a criminal street gang, threatens the child with imminent bodily injury or causes the child bodily injury. *Penal Code 71.022.*

**Definition: Public school fraternity, sorority, secret society, or gang** means an organization composed wholly or in part of students of public primary or secondary schools that seeks to perpetuate itself by taking in additional members from the students enrolled in the school on the basis of the decision of its membership rather than on the free choice of a student in the school who is qualified by the rules of the school to fill the special aims of the organization. TEC Sec. 37.121. **Criminal street gang** is defined as three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities. The term does not include an agency for public welfare,

including Boy Scouts, Girl Scouts, scholarship societies, or other similar educational organizations sponsored by state or national education authorities.

## **SECURITY PERSONNEL**

To ensure sufficient security and protection of students, staff, and property, the Board employs school resource officers (SROs). In accordance with law, the Board has coordinated with the campus behavior coordinator and other district employees to ensure appropriate law enforcement duties are assigned to security staff. The law enforcement duties of District SROs are listed in policy CKE (LOCAL). The law enforcement duties of school resource officers are:

1. Patrol school district buildings and property.
2. Provide security at specified District events.
3. Investigate criminal incidents occurring on school district property.
4. Respond to all calls from campuses concerning crisis situations, accidents, and reports of crime. An SRO may not issue a citation to a child who is alleged to have committed a school offense. (See glossary.)
5. Network with area law enforcement agencies.
6. Support administrators and staff in creating and maintaining a safe learning environment.
7. Develop positive relationships with students, staff, parents, and the community.
8. Present crime prevention programs to students, staff, parents, and community.

## **SEXUAL ASSAULT AND CAMPUS ASSIGNMENTS**

If a student has been convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus, and if the victim or the victim's parents request that the Board transfer the offending student to another campus, the offending student shall be transferred to another campus in the District. If there is no other campus in the District serving the grade level of the offending student, the offending student will be transferred to a DAEP.

## **SUSPENSION OF STUDENTS**

Except as provided by Texas Education Code § 37.005(c), the Board's designee may suspend a student who engages in misconduct as outlined in this Code.

A suspension may not exceed three school days per behavior violation; however, there is no limit on the number of suspensions an individual student may receive.

Students below grade three or a student who is homeless may only be suspended under the following limited circumstances described in TEC § 37.005(c):

1. conduct that contains the elements of an offense related to weapons under Section 46.02 or 46.05, Penal Code;
2. conduct that contains the elements of a violent offense under Section 22.01, 22.011, 22.02, or 22.021, Penal Code; or
3. selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.



Before being suspended, a student shall have an informal conference with the campus behavior coordinator or appropriate administrator, who shall advise the student of the alleged misconduct. The student shall be given the opportunity to respond to the allegation before the administrator makes a decision.

In deciding whether to order out-of-school suspension, the principal, campus behavior coordinator, or other appropriate administrator shall take into consideration self-defense (see glossary), intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, a disability that substantially impairs the student's capability to appreciate the wrongfulness of the student's conduct, a student's status in the conservatorship of the Department of Family and Protective Services (foster care), or a student's status as homeless. When a student is assigned Out-of-School Suspension (OSS), the student is not permitted on school district property and restricted from participation in school-sponsored or school-related extracurricular or co-curricular activities.

Upon return to school, the student shall request his or her missing assignments from each teacher. Work completed and returned within the time designated by the teacher, with the time allowed not to exceed one day for each day of suspension, will be accepted with a maximum grade of 80. The student will be counted present toward meeting the 90% attendance rule.

The decision of the Board's designee to suspend a student is final and not appealable. However, notice of the reason(s) for suspension and an informal opportunity for the student to give his or her side of the story is required.

**A. Coursework During Suspension**

The district shall ensure a student receives access to coursework for foundation curriculum courses while the student is placed in in-school or out-of-school suspension, including at least one method of receiving this coursework that doesn't require the use of the internet.

A student removed from the regular classroom to in-school suspension or another setting, other than the DAEP, will have an opportunity to complete before the beginning of the next school year each course the student was enrolled in at the time of removal from the regular classroom. The district may provide the opportunity by any method available, including a correspondence course, another distance learning option, or summer school. The district will not charge the student for any method of completion provided by the district

**B. Appeal Procedures for Campus-Level Discipline**

As outlined in this Code of Conduct, an appropriate school administrator may assign campus-level discipline to a student who violates the Student Code of Conduct. Campus-level discipline includes, but is not limited to, any and all discipline management techniques described in the Class C and Class D offense consequences sections of this Code. The Board designates the campus principal, campus behavior coordinator or other appropriate campus-level administrator to hear any appeal regarding campus-level discipline. The decision of the campus-level administrator who hears the appeal is final and not appealable.

Parental questions or complaints regarding ancillary issues related to disciplinary measures should be addressed informally with the teacher or campus administration, as appropriate or in accordance with Board Policy FNG (LOCAL). This process, however, may not be used to overturn a disciplinary assignment.

#### **TEACHER REMOVAL OF STUDENTS FROM CLASS**

A teacher may send a student to the campus behavior coordinator's office to maintain effective discipline in the classroom. The campus behavior coordinator shall respond by employing appropriate discipline management techniques consistent with the Student Code of Conduct.

A teacher may also initiate a formal removal from class if:

1. The student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach his or her class or with the student's classmates' ability to learn; or
2. The behavior is so unruly, disruptive, or abusive that the teacher cannot teach and the students in the class cannot learn.

A teacher shall remove from class and send to the principal for placement in an alternative education program or for expulsion, as appropriate, a student who engages in conduct described under Section 37.006 or 37.007, of the Texas Education Code.

If a student has been formally removed from class by a teacher for conduct against the teacher containing the elements of assault, aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, or criminal attempt to commit murder or capital murder, the student may not be returned to the teacher's class without the teacher's consent. The teacher may not be coerced to consent.

Within three (3) school days of the formal removal, the campus administrator shall schedule a conference with the student's parent, the student, the teacher who removed the student from class, and any other appropriate administrator. At the conference, the appropriate campus administrator shall inform the student of the alleged misconduct and the proposed consequences. The student shall have an opportunity to respond to the allegations.

When a student is removed from the regular classroom by a teacher and a conference is pending, the campus administrator may place the student in:

1. Another appropriate classroom.
2. In-school suspension.
3. Out-of-school suspension.
4. DAEP.

#### **THREAT ASSESSMENT AND SAFE AND SUPPORTIVE SCHOOL TEAM**

The campus behavior coordinator or other appropriate administrator will work closely with the campus threat assessment safe and supportive school team to implement the district's threat

assessment policy and procedures, as required by law, and shall take appropriate disciplinary action in accordance with the Code of Conduct.

#### **TOBACCO USE**

All Bellville ISD property shall be smoke free.

Students shall not possess or use e-cigarettes or tobacco products, including but not limited to cigarettes, vape pens/devices, cigars, pipes, snuff, dip, or chewing tobacco, on school premises or at school related functions. TEC § 38.006, 20 U.S.C. 6083 and 7183.

A student in possession of an e-cigarette or vapor pen/device that the administrator has reasonable suspicion of it containing an illegal drug or nicotine will be issued consequences based on the administrator's reasonable suspicion. Reasonable suspicion in this context will be based on all available information, including student statements, physical symptoms displayed by the student, and/or the student's discipline history.

#### **TRANSFER OPTIONS**

In addition to the penalties and consequences set forth in this *Student Code of Conduct*, pursuant to state law, on the request of a parent or other person with authority to act on behalf of a student who is a victim of bullying/sexual harassment/dating violence, a student who is a victim of such conduct as determined by the Board of Trustees or designee, may receive a transfer to another classroom at the campus which the victim was assigned at the time of the bullying/sexual harassment/dating violence occurred; or a campus in the school district other than the campus to which the victim was assigned at the time of the bullying/sexual harassment/dating violence occurred.

The Board of Trustees or the Board's designee shall verify that a student has been a victim of bullying/sexual harassment/dating violence before transferring the student under this section. Past student behavior may be considered when identifying bullying/sexual harassment/dating violence. The determination by the Board of Trustees or the Board's designee is final and may not be appealed. The district is not required to provide transportation to a student who transfers to another campus. There are no hearings or appeals for a transfer due to bullying/sexual harassment/dating violence behavior.

The Board may transfer the student who engaged in bullying to:

1. another classroom at the campus to which the victim was assigned at the time the bullying occurred; or
2. a campus in the district other than the campus to which the victim was assigned at the time the bullying occurred, in consultation with a parent or other person with authority to act on behalf of the student who engaged in bullying.

The transfer of a student with a disability who receives special education services and who engaged in bullying may be made only by a duly constituted ARD committee under TEC 37.004.

#### **TRANSPORTATION: POLICIES AND GUIDELINES**

A bus driver may refer a student to the principal's office or the campus behavior coordinator's office to maintain effective discipline on the bus. The principal/campus behavior coordinator must employ additional discipline management techniques, as appropriate, which can include restricting or revoking a student's bus riding privileges.

Since the district's primary responsibility in transporting students in district vehicles is to do so as safely as possible, the operator of the vehicle must focus on driving and not have his or her attention distracted by student misbehavior. Therefore, when appropriate disciplinary management techniques fail to improve student behavior or when specific misconduct warrants immediate removal, the principal or the campus behavior coordinator may restrict or revoke a student's transportation privileges, in accordance with law.

In addition to the rules for good conduct expected of each student at school, each student is also expected to:

1. Remain ten (10) feet from the bus loading location.
2. Wait quietly until the bus has stopped and the bus door has opened before entering the bus.
3. Refrain from hanging onto the bus before boarding or after leaving the bus
4. Board the bus with objects limited to the size that can be transported on the lap.
5. Refrain from bringing animals and/or glass containers on the bus.
6. Bus driver is authorized to assign seats. Sit in seat assigned by bus driver.
7. Go to your seat immediately upon entering the bus and be seated, facing forward.
8. If the school bus is equipped with seatbelts, students shall wear a seatbelt at all times.
9. Refrain from extending any part of the body out of bus window.
10. Refrain from throwing objects on or off the bus.
11. Refrain from eating or drinking on the bus.
12. Each bus has a trash can available for the disposal of materials as students are boarding or leaving the bus;
13. Never dispose of trash out the bus window or on the ground at the bus stop
14. Ride assigned bus unless provisions for an exception have been made in writing through the campus
15. Leave the bus only at the designated bus stop unless provisions for an exception have been made.

**A. Bus Stop Guidelines**

1. Arrive at the bus stop five minutes before scheduled pick-up time.
2. Follow all school rules at and around the bus stop.
3. Respect other people's property and keep your bus stop clean.
4. Enter the bus quietly and move directly to your seat.
5. During unloading, move away from the bus quickly.
6. After exiting the bus, stand on the side of the road, at least ten (10) feet in front of the bus and wait until the driver signals before crossing the street.

Bus rules are posted in all of our buses. Failure to follow bus rules and bus stop guidelines will result in a bus discipline referral being completed describing the student's behavior. This referral will be forwarded to the campus administrator for further action. A copy will be maintained on file with the transportation department.

The steps taken to discipline a student are as follows:

1. Minor offenses such as being too loud or moving about more than the driver considers safe will result in a verbal reminder warning issued by the bus driver
2. Continued disrespect for the bus rules, as referenced in the Student Transportation Rules and Policies, will result in a written referral to the student's campus administrator
3. Major offenses such as fighting, serious insubordination / disrespect or endangerment will result in immediate referral to the student's campus administrator. In the case of misconduct that endangers the safety of other passengers or the driver, the driver has the authority to call for law enforcement assistance and will notify the principal and the transportation director as soon as possible.

**B. Referrals to the Campus Administrator**

**First Offense:** Warning; Student conference and parent notification

**Second Offense:** Parent/Student conference with campus administrator; student subject to 3-5 school days suspension of bus privileges

**Third Offense:** Student subject to up to ten (10) school days suspension of bus privileges

**Fourth Offense:** Student subject to suspension of bus privileges for remainder of semester, remainder of the school year or possibly permanent removal.

Under certain circumstances, the first offense may result in immediate removal from the bus. Examples of such behavior may include but are not limited to: fighting, profanity, destruction of property, and endangerment.

Disciplinary sanctions and changes in transportation for a student with a disability will be made in accordance with the student's Individual Education Plan (IEP) or other individually designed program.

**VIDEOTAPING**

An employee of the school district may, without consent of the child's parent, make a videotape of a child or authorize the recording of a child's voice if the videotape or voice recording is to be used only for:

1. purposes of safety, including the maintenance of order and discipline in common areas of the school or on school buses or as required by law;
2. a purpose related to a co-curricular or extracurricular activity;
3. a purpose related to regular classroom instruction; or
4. media coverage of the school, subject to applicable laws regarding parental consent.

**WEAPONS**

A student shall not go on the school premises or attend a school related function in possession of any weapon, including a knife, box cutter, tire deflation device, razor, chain (when used in a way that threatens or inflicts bodily injury), gun, air gun or BB gun, ammunition, pocketknife or small

knife, mace or pepper spray, stun gun, instrument or article (including fireworks) or any replicas of any weapon that might be injurious to person or property. The student shall not interfere with normal activities, or use of any building or portion of the campus by exhibiting, using, or threatening to exhibit or use the firearm, explosive, weapon, or knife. The possession of weapons or items represented to be weapons is prohibited under this rule.

Students are also prohibited from bringing to school or a school related activity any other weapons. This prohibition will not normally apply to school supplies such as pencils, compasses, and the like, unless they are used in a menacing or threatening manner.

The possession or use of articles not generally considered weapons may be prohibited when, in the Principal's or designee's judgment, a reasonable apprehension of danger exists to the student in possession, other students, staff, or school property by virtue of possession or use.

### GLOSSARY

The following terms are defined for the purposes of the entire Bellville ISD Code of Conduct as follows:

1. **ADMISSION, REVIEW, and DISMISSAL (ARD) COMMITTEE:** The ARD committee is a committee made up of school staff and parents that address the admittance into special education; review the program (IEP-Individual Education Plan) that is in place; or dismiss the student from special education services. An ARD meeting may be requested by a parent or school staff member when needed. There is an annual ARD meeting held yearly to determine the new IEP and courses or related services the student will need for the upcoming year. The parent is an active member of the ARD meeting. The student may participate in the meeting when it is appropriate.
2. **Board:** The Bellville Independent School District is governed by a Board of Trustees who, as a body, coordinates and oversees the management of the District. All references to the Board means Bellville Independent School District Board of Trustees.
3. **Bullying** occurs when a single significant act or a pattern of acts by one or more students directed at another student exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:
  - a) Exploits occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
  - b) occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; or
  - c) occurs off school property or outside of a school-sponsored or school-related activity if it constitutes cyberbullying that: (1) interferes with a student's educational opportunities; or (2) substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

and that:

- d) Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;
- e) Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.
- f) Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
- g) Infringes on the rights of the victim at school.

*See Tex. Educ. Code § 37.0832.*

Bullying may include, but is not limited to, intimidation by name-calling, using ethnic or racial slurs, or derogatory statements that could disrupt the school program or incite violence.

- 4. **Controlled substance** means a substance, including a drug, an adulterant, and a dilutant, listed in Schedules I through V or Penalty Group 1, 1-A, 2, 2-A, 3, or 4 of the Texas Controlled Substances Act. The term includes the aggregate weight of any mixture, solution, or other substance containing a controlled substance. The term does not include hemp, as defined by Agriculture Code 121.001, or the tetrahydrocannabinols (THC) in hemp.
- 5. **Criminal street gang** is defined by Penal Code 71.01 as three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities.
- 6. **Cyberbullying** is bullying done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool. *See Tex. Educ. Code § 37.0832.*
- 7. **Days** shall mean school days, unless otherwise noted.
- 8. **Dangerous drug** is defined by Health and Safety Code 483.001 as a device or a drug that is unsafe for self-medication and that is not included in Schedules I through V or Penalty Groups 1 through 4 of the Texas Controlled Substances Act. The term includes a device or drug that federal law prohibits dispensing without prescription or restricts to use by or on the order of a licensed veterinarian.
- 9. **Dating violence** occurs when a person in a current or past dating relationship uses physical, sexual, verbal or emotional abuse to harm, threaten, intimidate, or control another person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense, as defined by Section 71.0021 of the Family Code.
- 10. **Deferred prosecution** may be offered to a juvenile as an alternative to seeking a conviction in court for delinquent conduct or conduct indicating a need for supervision.
- 11. **Delinquent Conduct** is conduct that violates either state or federal law and is punishable by imprisonment or confinement in jail. It includes conduct that violates certain juvenile court orders, including probation orders, but does not include violations of traffic laws

12. **Discipline Violation** includes the planning of or conspiring to commit an offense and/or commission of an offense.
13. **Discretionary** means that something is left to or regulated by a local decision maker.
14. **E-cigarette** means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. The term includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description and a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.
15. **Expulsion hearing:** A procedure in which the student shall be advised of the conduct with which he or she is charged that is resulting in a long-term removal from Bellville campuses. At this hearing, the student shall be provided appropriate due process as required by the federal constitution, and which the student's parent or guardian is invited, in writing, to attend. The student is entitled to:
- a) representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of the district;
  - b) an opportunity to testify and to present evidence and witnesses in the student's defense; and
  - c) an opportunity to question the district's witnesses called by the district at the hearing.
16. **False Alarm or Report** under Penal Code 42.06 occurs when a person knowingly initiates, communicates or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is false or baseless and that would ordinarily:
- a) cause action by an official or volunteer agency organized to deal with emergencies;
  - b) place a person in fear of imminent serious bodily injury; or
  - c) prevent or interrupt the occupation of a building, room, place of assembly, place to which the public has access, or aircraft, automobile, or other mode of conveyance.
17. **Fighting** is defined as mutual combat between two or more students using blows of force to overcome the other student(s).
18. **Firearm** is defined by federal law (18 U.S.C. § 921(a)) as:
- a) Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive;
  - b) The frame or receiver of any such weapon;
  - c) Any firearm muffler or firearm silencer; or
  - d) Any destructive device, such as any explosive, incendiary or poison gas, a bomb, a grenade, a rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or device similar to any of the devices described in this definition.

Such term does not include an antique firearm.



19. **Graffiti** includes markings with paint, an indelible pen or marker, or an etching or engraving device on tangible property without the effective consent of the owner. The markings may include inscriptions, slogans, drawings, or paintings.
20. **Handgun** is defined by Penal Code 46.01(5) as any firearm that is designed, made, or adapted to be fired with one hand.
21. **Harassment** includes:
- a) Conduct that meets the definition established in district policies DIA (LOCAL) and FFH (LOCAL);
  - b) Conduct that threatens to cause harm or bodily injury to another person, including a district student, employee, board member, or volunteer; is sexually intimidating; causes physical damage to the property of another student; subjects another student to physical confinement or restraint; or maliciously and substantially harms another student's physical or emotional health or safety, as defined in Section 37.001(b)(2) of the Education Code; or
  - c) Conduct that is punishable as a crime under Penal Code 42.07, including the following types of conduct if carried out with the intent to harass, annoy, alarm, abuse, torment, or embarrass another:
    - i. Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law;
    - ii. Threatening, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
    - iii. Conveying, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury; and
    - iv. Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.
22. **Hazing** is defined by Section 37.151 of the Education Code as an intentional, knowing, or reckless act, on or off campus, by one person alone or acting with others, directed against a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in a student organization if the act meet the elements in Education Code 37.151, including:
- a) Any type of physical brutality;
  - b) An activity that subjects the student to an unreasonable risk of harm or that adversely affects the student's mental or physical health, such as sleep deprivation, exposure to the elements, confinement to small spaces, calisthenics, or consumption of food, liquids, drugs, or other substances;
  - c) An activity that induces, causes, or requires the student to perform a duty or task that violates the Penal Code; and
  - d) Coercing a student to consume a drug or alcoholic beverage in an amount that would lead a reasonable person to believe the student is intoxicated.
23. **Hit list** means a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily injury.

24. **Illicit drug** use means the use of illegal drugs and the abuse of other drugs and alcohol.
25. **Improvised Explosive Device (IED)** is a completed and operational bomb designed to cause serious bodily injury, death, or substantial property damage that is made in an improvised manner using nonmilitary components. TPC §§ 46.05(a), (e); 46.01(18).
26. **Indecent Exposure** is defined by Penal Code 21.08 as an offense that occurs when a person exposes the person's anus or any part of the person's genitals with intent to arouse or gratify the sexual desire of any person, and is reckless about whether another is present who will be offended or alarmed by the act.
27. **Intimate Visual Material** is defined by Civil Practices and Remedies Code 98B.001 and Penal Code 21.16 as visual material that depicts a person: (A) with the person's intimate parts exposed; or (B) engaged in sexual conduct. "Visual Material" means any film, photograph, video tape, negative, or slide of any photographic reproduction or any other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen.
28. **Knuckles** means any instrument consisting of finger rings or guards made of a hard substance and designed or adapted for inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.
29. **Location-Restricted Knife** means a knife with a blade over 5 ½ inches. Penal Code § 46.01(6).
30. **Paraphernalia** are devices that can be used to inhale, ingest, inject, or otherwise introduce a controlled substance into a human body.
31. **Parent** includes a parent, legal guardian, or other person having lawful control of the child, in accordance with Section 26.002 of the Texas Education Code.
32. **Possession** means to have an item on one's person or in one's personal property, including but not limited to clothing, purse, or backpack; a private vehicle used for transportation to or from school or school-related activities, including but not limited to an automobile, truck, motorcycle, or bicycle; telecommunications or electronic devices; or any other school property used by the student, including but not limited to a locker or desk.
33. **Prohibited Items or Articles:** In addition to weapons prohibited by the Penal Code 46.05(a), students shall not possess fireworks of any kind, razors, any bladed instrument including pocket knives, chains, or any other object used in a way that threatens or inflicts bodily injury to another person, or that the principal or designee determines presents a danger to any student, District employee, or District property by virtue of possession or use of the object. Any violation of this policy shall result in disciplinary action deemed appropriate by the principal.
34. **Prohibited Weapon** under Penal Code 46.05(a) means:
- a) The following items unless registered with the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the U.S. Department of Justice:

- i. An explosive weapon;
    - ii. A machine gun;
    - iii. A short-barrel firearm;
  - b) Armor-piercing ammunition;
  - c) A chemical dispensing device;
  - d) A zip gun;
  - e) A tire deflation device;
  - f) An improvised explosive device; or
  - g) A firearm silencer, unless classified as a curio or relic by the U.S. Department of Justice or the actor otherwise possesses, manufactures, transports, repairs, or sells the firearm silencer in compliance with federal law
35. **Public Lewdness** is defined by Penal Code 21.07 as an offense that occurs when a person knowingly engages in an act of sexual intercourse, deviate sexual intercourse, or sexual contact in a public place or, if not in a public place, is reckless about whether another is present who will be offended or alarmed by the act.
36. **Public school fraternity, sorority, secret society, or gang** means an organization composed wholly or in part of students that seeks to perpetuate itself by taking additional members from the students enrolled in school based on a decision of its membership rather than on the free choice of a qualified student. Educational organizations listed in Section 37.121(d) of the Education Code are exempt from this definition.
37. **Reasonable Belief** is that which an ordinary person of average intelligence and sound mind would believe. Chapter 37 requires certain disciplinary decisions when the superintendent or designee has a reasonable belief that a student engaged in conduct punishable as a felony offense. In forming such reasonable belief, the superintendent or designee may use all available information, including the notice of a student's arrest under Article 15.27 of the Code of Criminal Procedure.
38. **School Activities** means an activity relating to or sponsored by the Bellville Independent School District.
39. **School Offense** means an offense committed by a child enrolled in a public school that is a Class C misdemeanor other than a traffic offense and that is committed on property under the control and jurisdiction of a school district.
40. **School premises** are defined as school property or public property within 300 feet of school property.
41. **Self Defense** is the use of force against another to the degree a person reasonably believes the force is immediately necessary to protect himself or herself.
42. **Sexting** means using a cell phone, iPad, or any other type of communication device to send text or email or video messages or electronic transmissions or possessing text or email or video messages or electronic transmissions containing images reasonably interpreted as indecent or sexually suggestive or depicting sexual conduct or meeting the definitions or elements of any aspect of Penal Code § 43.261 while at school or at a school related function.

In addition to any disciplinary action, phones and other communication devices may be confiscated and/or searched and students should be aware that any images suspected to violate criminal laws will be referred to law enforcement authorities.

43. **Serious misbehavior** involves engaging in documented serious misbehavior that violates the district's Student Code of Conduct, despite documented behavioral interventions while placed in a disciplinary alternative education program. For purposes of discretionary expulsion from an DAEP, serious misbehavior means: deliberate violent behavior that poses a direct threat to the health or safety of others; extortion, meaning the gaining of money or other property by force or threat; conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or conduct that constitutes the offense of:
- a) Public lewdness under Penal Code 21.07;
  - b) Indecent exposure under Penal Code 21.08;
  - c) Criminal mischief under Penal Code 28.03;
  - d) Hazing under Education Code Section 37.152; or
  - e) Harassment under Penal Section 42.07(a)(1) of a student or district employee.
44. **Sexual Harassment** (including gender-based harassment or sexual abuse) is defined as any unwanted physical, verbal, or visual sexual advances; requests for sexual favors; and other sexually-oriented conduct, which is offensive or objectionable to the recipient, including, but not limited to: epithets; derogatory or suggestive comments, slurs, or gestures; and offensive posters, cartoons, pictures, or drawings.
45. **Student** means an individual registered or enrolled for credit or non-credit in a course or program offered by the Bellville Independent School District.
46. **Suspension:** Except as provided by Texas Education Code § 37.005(c), the principal may suspend a student who engages in conduct for which the student may be placed in a disciplinary alternative education program. While in-school suspensions are removal to a specific location on the campus, out-of-school suspensions deny the student access to the campus. Each suspension may not exceed three days.
47. **Terroristic Threat:** A person commits an offense if he threatens to commit any offense involving violence to any person or property with the intent to:
- a) cause a reaction of any type to his threat by an official or volunteer agency organized to deal with emergencies;
  - b) place any person in fear of imminent serious bodily injury;
  - c) prevent or interrupt the occupation or use of a building; room; place of assembly; place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;
  - d) cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service;
  - e) place the public or a substantial group of the public in fear of serious bodily injury; or
  - f) Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the district).

48. **Tire deflation device** is defined in part by Penal Code 46.01 as a device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires.

49. **Title 5 Offenses** are those crimes listed in Title 5 of the Penal Code that involve injury to a person and include: murder; kidnapping; trafficking of persons; smuggling or continuous smuggling of persons; assault aggravated assault; sexual assault; aggravated sexual assault; unlawful restraint; voyeurism; indecency with a child; invasive visual recording; disclosure or promotion of intimate visual material; injury to a child, an elderly person, or a disabled person of any age; abandoning or endangering a child; Deadly conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product.

50. **Under the influence** means lacking the normal use of mental or physical faculties. Impairment of a person's physical or mental faculties may be evidenced by a pattern of abnormal or erratic behavior, the presence of physical symptoms of drug or alcohol use, or by admission. A student "under the influence" need not be legally intoxicated to trigger disciplinary action.

51. **Use** means voluntarily introducing into one's body, by any means, a prohibited substance.

52. **Zip gun** is a device or combination of devices, not originally a firearm, but adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.

The contents of this Student Code of Conduct are not contractual, and do not give rise to a claim of breach of contract against the school district. Further, the contents of this Code apply to all students of the district, as the content now appear in the Code or may be amended in the future.

It is the policy of Bellville ISD not to discriminate on the basis of sex, disability, race, religion, color, gender, age, or national origin in its educational programs and/or activities, including career and technology programs, nor in its employment practices and to provide equal access to the Boy Scouts and other designated youth groups.